

SA Jagters- en Wildbewaringsvereniging
SA Hunters and Game Conservation Association

Bewaring deur volhoubare benutting / Conservation through sustainable utilisation

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Geakkrediteer deur SAPD as Jagtersvereniging: Nr 400001; Sportskietorganisasie: Nr 1300091; Beroepsjagvereniging: Nr 1300124
Accredited by SAPS as Hunting association: No 400001; Sport shooting organisation: No 1300091; Professional hunting association: No 1300124

26 July 2021

The Civilian Secretariat of Police
Pretoria

Attention: Mr M Ntwana

By e-mail: comments.fcabill@csp.gov.za

Dear Sir

COMMENTS ON DRAFT FIREARMS CONTROL AMENDMENT BILL

The South African Hunters and Game Conservation Association hereby submits the following comments on the draft Firearms Control Amendment Bill as published on the website of the CSP on, or more or less on, 21 May 2021.

1. Background on SA Hunters

The South African Hunters and Game Conservation Association was established in 1949 and is the oldest and also biggest accredited hunting association in RSA. Commonly known as SA Hunters, it has more than 44 000 members with 81 functional branches across RSA. SA Hunters was also the first hunting association accredited by SAPS as a hunting association in terms of the current Firearms Control Act. SA Hunters is also accredited with the SAPS as a sport shooting organisation and a professional hunting association in terms of this Act.

2. Reservation of Rights

While SA Hunters uses this opportunity to provide comment on the draft Firearms Amendment Bill as published, we reserve the right to amend this comment at a later stage or, to add to, or supplement the comment provided now.

This draft Amendment Bill was presented without any substantive motivation or reasoning provided for such amendments. Should SA Hunters be provided access to the substance or reason for the amendment of the Act, we might hold different views or opinions, or we may have to add, supplement, or further substantiate the views included in our submission.

Similarly, SA Hunters wishes to explicitly reserve all rights to any alternative action that may be deemed appropriate in response to the Draft Amendment Bill that has been made available for comment.

3. Opportunity to Discuss in Detail

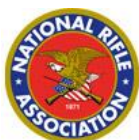
While SA Hunters provides comment, the Association prefers an opportunity to meet and debate each of the views taken and the comment provided in this document to ensure a proper understanding of the objectives and intent of the proposed amendments, as well as our objection or support thereof.

Kindly consider this request and allow us the opportunity to meet and discuss these draft amendments in more detail.

4. Comments on the Draft Bill

4.1. General Comments

While SA Hunters will comment on the detailed content of the bill, it starts off with general comment on principles involved in the process of amendments to the Act.



Research

While various claims have been made, amongst others by the Minister of Police, that the draft bill is based on research that have shown certain trends and reasons to amend the Act, no such research data is, or has been made available initially to justify the amendment of the Act.

While it is claimed that there is good reason to amend the Act, it transpired that there is no substantive and/or independent research available to justify any of the proposed amendments to the Act which would seriously limit the ability of citizens to own and use firearms for legitimate reasons.

On 25 June 2021, two reports were made available on the website of the Civilian Secretariat of Police. The first is titled *Analysis of the Effect of the Firearms Control Act on Crime 2000 - 2014* and the second is titled *Report of the Committee on Firearms Control and Management in South Africa – 2016*.

At the time of drafting this comment there was not sufficient time available to properly study these reports and to comment on the information provided by these reports which supposedly substantiate the proposed amendments to the Act. This will be done at a later stage.

It is noted that a further 21 working days until 2 August 2021 were granted to submit comment on the proposed amendments to the Act. Additional comments addressing the documents identified above will be provided during this period.

Consultation

SA Hunters notes that page 133 of the draft Bill clearly shows that other than the Firearms Summit held in Parliament in March 2015, only government departments and related state institutions were consulted on and were in support of the Bill. To date, SA Hunters could not find any evidence to support this statement, and therefore doubts its authenticity.

It is interesting to note that the same section mentions that the Firearms Summit (held in Parliament in March 2015) had been consulted and had responded positively in support of the Bill. This is untrue. When the Firearms Summit was held in Parliament in Cape Town, this version of the Bill did not exist yet. The minutes of the Firearms Summit does not reflect the statement made, namely that the participants in the summit were supportive of the Bill.

Lastly, from information provided through several applications made in terms of PAIA since the Bill was introduced, it is abundantly clear that a number of consultations were held with specific parties outside the firearm owners community that were not disclosed at all in the documentation provided with the Bill. This clearly indicates that the reasoning might have been influenced by groupings other than firearm owners, while no consultation was held with the firearm owner community at all.

Impact of Proposed Amendment on Firearm Owners

It is a matter of fundamental concern to all law-abiding firearm owners that comply with the terms of the provisions of the current Firearms Control Act (No 60 of 2000 as amended) that any negative impact on them of any changes in legislation, be ameliorated by explicitly providing that:

- Any and all applications for competency and licences, and for the renewal of competency and licences, properly submitted in terms of the current provisions of the Firearms Control Act (No 60 of 2000 as amended) before the date of enactment of any amendments to that legislation, be processed, adjudicated, and discharged in accordance with the provisions of the existing legislation in force at the time of such proper application. It is patently unreasonable that compliant firearm owners should be disadvantaged by a new legislative dispensation by virtue of the inefficiency or incapacity of the administrative system to discharge their applications in a reasonable time in terms of the existing Act.

- Given the fact that, in practice, many types of firearms have multiple uses, and are reasonably put to such different used by their legal owners, where the effect of any legislative enactment is to impact upon the number or type of firearms the individual may own and use for any purpose, that individual will explicitly have the opportunity to apply for reclassification and re-licensing of their firearms for an alternative purpose for which that firearm is properly endorsed as appropriate by a competent and informed institution. Failure to provide thus would unfairly prejudice the interests and property of those citizens who have dutifully complied with all relevant requirements of existing legislation.

Implementation of the Act

The implementation of the current Firearms Control Act (Act 60 of 2000) is by all accounts in disarray. This is probably less the fault of the legislation itself which followed upon exhaustive public participation and debate before its adoption, and more the result of administrative and managerial incapacity of the institutions at all levels charged with implementing it.

The current legislation is already cumbersome and complex – the inevitable result of a preoccupation with **control** rather than with the **sensible co-operative management** of firearm ownership in South Africa for the benefit of all its citizens. It is abundantly clear that the proposed Amendment Bill provides for even more control and subsequently becomes even more complex, cumbersome, and difficult to implement.

4.2. Section 1 of the Act

A number of definitions are being added to Section 1 of the Act. SA Hunters refers to some of these proposed amendments.

New definitions are provided for “**Automated ballistic identification system**” and “**ballistic sampling**”. Automated ballistic sampling system refers to a system that the Police must create to store ballistic “**fingerprinting**” data of all firearms.

“**Ballistic Sampling**” is being defined to focus on the projectile, or a cartridge case, or both, that belong to, or is derived from, the same firearm and which the Police must acquire and keep for each firearm for comparison purposes.

Comment: *The SAPS already has a ballistic sampling database system known as IBIS, which was used for some time. At present the system may not be available because the licence fee for the use of the system was most likely not paid by the SAPS.*

SA Hunters and other role-players requested Dr David Klatzow, a well-known forensic investigator to research ballistic sampling.

In his report he provided a number of reasons why ballistic sampling or “fingerprinting” of firearms is neither practical nor achievable.

A **calibre** is defined as “a cartridge as described by dimensions and make, mark, model or type”.

Comment: *Two international conventions are being used to describe firearm calibres. The European convention is a metric measurement system that identifies calibre based on the diameter of a projectile and the length of the cartridge case.*

In the USA, the imperial measuring system of inches is being used as a measurement system. Often, the name of the manufacturer of that particular bullet or rifle is also added to identify the calibre.

To avoid confusion, both methods should rather be used, not only one of the two conventions.

“**Dedicated hunter**” reads as follow: “Means a person who qualifies to engage in hunting and actively participates in prescribed manner in such hunting activity and who is a member of an accredited hunting association”.

“Dedicated sports person” means a person who qualifies to engage in sports-shooting under this Act and actively participates in the prescribed manner in such sports-shooting and who is a member of an accredited sports-shooting organisation.

***Comment:** The underscored parts have been added without giving any explanation why these changes are necessary. The reference to “who qualifies” is unclear. Exactly what qualification is being referred to?*

It is further required to participate in the prescribed manner in hunting and sport shooting activities, but the “prescribed manner” is not included or provided anywhere.

The definitions in the draft Bill contemplate a qualification “to engage in hunting” or “to engage in sports-shooting” and further that such hunting/shooting should take place in a “prescribed manner”. What is envisaged hereby? The Bill is silent on this. Who will “prescribe” the manner of that engagement and, most importantly, will they have the basic firearms or hunting or sport shooting competence to make such prescription?

SA Hunters arranges sport shooting events for its members, but hunting is done individually and not organised by SA Hunters or for that matter by any association we know of.

Why should the dedicated hunter have to meet any additional criteria not applicable to the occasional hunter and why should the dedicated hunter be required to participate in a prescribed manner in hunting which would not be applicable to an occasional hunter?

The same questions are also applicable to dedicated sport shooters.

SA Hunters objects to the additions to this definition which are unclear and completely unnecessary.

The definition for **“Firearm”** is amended to include any “muzzle loading firearm”. **“Muzzle loading firearm”** is described in detail.

***Comment:** There is no objection against the inclusion of this definition.*

The definition for **“Minister”** is referred to as “member of the cabinet responsible for policing”

***Comment:** This definition simplifies the understanding of which Minister is actually responsible.*

“Professional hunter means any person who supervises, escorts, offers to, or agrees to, supervise or escort a client, for reward, in connection with the hunting of a wild or exotic animal, who is authorised to do so in terms of any applicable legislation and is a member of a professional hunting association”

***Comment:** Previously, the relevant legislation was regarded as provincial legislation. It is being changed to refer to all legislation. The requirement of membership of an accredited professional hunters’ association has been added. This may clarify the definition of professional hunter.*

Prohibited firearm means a firearm or device the possession of which is prohibited under section 4.

“Restricted Firearm means any semi-automatic rifle or semi-automatic shotgun, which cannot readily be converted into a fully automatic, or firearm declared by the Minister by notice in the Gazette, to be a restricted firearm”

***Comment:** The definition of a “restricted firearm” is much more comprehensive. One can expect more firearms to be declared as restricted firearms. The minister may now technically decide to declare any firearm as a restricted firearm, even a firearm outside the definition. This amendment is objected to.*

Whilst it is entirely reasonable that certain categories of firearm should be prohibited in private civilian use, it is unreasonable that the Minister be empowered by the Act to declare a category of firearm to be restricted without due cause and the necessary engagement with the

firearms community. This power needs to be explicitly limited and explicitly conditional upon prior engagement with ALL interested parties.

4.3. Section 2 of the Act

Section 2 deals with the purpose of the Act.

The current version of the Act describes the purpose of the Act to: (a) **enhance the constitutional rights to life and bodily integrity.**

The proposed amendment for this description is:

(a) to ensure restrictive access to firearms by civilians, to ensure public order, to secure and protect civilians and to comply with regional and international instruments on firearms control.

***Comment:** Currently, the Act refers to the confirmation and support of constitutional rights. The proposed amendment summarily turns it into a very restrictive purpose of the Act, i.e., to establish limited access to firearms. Hereby, the legislator clearly confirms the opinion that it is a privilege, and not a constitutional right, to own a firearm.*

*Furthermore, it is important to understand that if it is the intention to remove self-defence as a motivation to own a firearm, it is essential to apply the amendment. If the Act continues to state the purpose as **to enhance constitutional rights to life and bodily integrity**, it will be difficult to remove Section 13 which makes provision for the issuing of a licence for self-defence purposes. The proposed amendment intends to restrict the individual's rights by restricting access to firearms.*

It is submitted that the Constitution does not subordinate the rights of the individual to the rights of the public, but seeks to ensure the rights of the collective by ensuring the rights of the individual. It is submitted that the present draft bill attempts to eliminate a fundamental constitutional principle.

Two new subsections 2 A (a) and (b) follow.

Subsection 2A reads:

(a) confirm firearm possession and use as not being a right but a privilege that is conditional on the overriding need to ensure public safety and

(b) improve public safety by

- (i) imposing strict controls on the possession and use of firearms**
- (ii) promoting the safe and responsible storage and use of firearms and**
- (iii) providing a framework for a holistic approach to the control of firearms**

***Comment:** Currently, the Act clearly describes the constitutional right to life and safety, while the amendments restrict that right to be "a privilege to own a firearm that is conditional to the overriding need to ensure public safety".*

This is exactly what the Police is unable to do. The Police does not provide public safety and cannot do so. We must understand that this amendment places an obligation on the Police to actually ensure public safety.

The State could expect to be seriously challenged if this amendment to the Act is made. The public opinion is already heavily framed against this amendment.

The more serious challenge is most likely that the family of every single person that were murdered, may challenge the State for not protecting such a person appropriately and denying him/her the right to a firearm for self-defence and hence a claim following for damages after the death of such person. Surely this will be unintended consequences, but such claims are likely to follow.

It is submitted that it would be in the public's interest to scrap this proposed amendment to the purpose as reflected in the draft Firearms Control Bill, 2021 and that the purpose of the

legislation currently reflected in the Firearms Control Act 60 of 2000, should remain unchanged.

A few additions are made to Subsection 2B:

The objects of this Act are to—

- (a) prohibit the possession and use of prohibited firearms and self-loading rifles and shotguns, except in special circumstances;**
- (b) establish an integrated licensing and registration scheme for all firearms;**
- (c) require each person who possesses or uses a firearm under the authority of a licence to provide a valid reason for possessing or using the firearm;**
- (d) provide strict requirements that must be satisfied in relation to licensing and renewal of licences in respect of firearms and the acquisition and supply of firearms; and**
- (e) ensure that firearms are stored and conveyed in a safe and secure manner;”**

Comment: *This addition forbids ownership and use of semi-automatic firearms, except under special circumstances (which is not explained), creating of an integrated licence and registration system, (the Act already provides for such a system since 2006, but the Police was unable to make it work) and adhering to restrictions on licencing with strict additional requirements.*

Currently, the Act only requires a motivation for a firearm for self-defence purposes, while the amendments will make motivations a requirement for every firearm licence. Restrictions on the storing and transport of firearms have been added to the definition.

With these additions, the Police is creating an enormous amount of extra work for themselves. Since 2006, they have been unable to implement the current act and it is unlikely that they will be able to implement the proposed amendments. The current chaos will be exacerbated.

Since 2006, the current Act 60 of 2000 has provided for an integrated system of firearms licensing and registration but the authorities have been totally incapable of implementing it due to conspicuous incompetence and ineptitude at all levels in the system.

This section also perpetuates, and indeed fortifies, the irrationality of requiring licensing of each individual firearm and motivating the “need” for such a firearm when the applicant has already been required to be declared “competent” to own and use the firearm. This places an enormous additional administrative burden on the relevant authorities to very little practical purpose.

4.4. Section 3 of the Act

Section 3 of the Act restricts anyone from owning a firearm without a permit, licence, or authorisation. Subsection 2 (that deals with muzzle-loaders) is deleted, which makes sense because muzzle-loaders are now included in the definition of a firearm.

4.5. Section 4 of the Act

Section 4 of the Act deals with prohibited firearms. Devices and ammunition are added to this subsection which deals with prohibited firearms, devices, and ammunition.

The following are added to this section:

(c) by the substitution for paragraph (a) of the following paragraph

(a) any fully automatic firearm, or a device or conversion kit to convert a semi-automatic firearm to a fully automatic firearm

Comment: The amendment of Section 4 means that provision is made for a ban on automatic or semi-automatic firearms. The use of conversion kits that enables an individual to convert a semi-automatic firearm to an automatic firearm is prohibited. These devices will be prohibited.

There is also a ban on owning any **copies** of illegal firearms, deactivated restricted or prohibited firearms. Imagine the implications on toy guns, i.e., because it will ban any toy gun that resembles a banned automatic firearm or a deactivated automatic firearm. It would most probably be impossible to remove all copies of toy guns from society. This amendment needs to be reconsidered extremely carefully. Many children may become criminalised as a result hereof.

Subsection (g) “**the minister may by notice in the Gazette declare any specified type of ammunition to be prohibited ammunition which may not be possessed in terms of this act if it is**

- (i) in the interest of public safety**
- (ii) desirable for the maintenance of law and order or**
- (iii) to ensure the safety of law enforcement officials”.**

Comment: These amendments give the Minister carte blanche to ban any type of firearm without motivating the decision.

Ammunition for hunting and sport shooting is manufactured to purpose to provide controlled expansion of the bullet to ensure a swift one-shot clean kill or, to deliberately not allow any expansion for sport shooting purposes. It makes no sense at all to prescribe to hunters and sport shooters what type of ammunition to use by prohibiting any type of ammunition without any reason.

Why should certain types of ammunition be forbidden? Surely hunters, sport shooters and anyone that carries a firearm for self-defence may decide which is the most suitable ammunition for the purpose and circumstances. There should not be any provision for prohibiting any specific kind of ammunition. SA Hunters strongly objects to this proposed amendment.

Given the overall antipathy towards firearms and firearm owners reflected in the general tenor of the draft Firearms Control Bill, 2021 there simply is not sufficient trust in the Minister to grant him such a power without explicit limitation of that power. This power needs to be explicitly limited and explicitly conditional upon prior engagement with all interested parties.

4.6. Section 6 of the Act

Section 6 of the Act deals with competency and licences. Currently, the Act provides a list of requirements that must be met before a person can be declared competent and before a firearm licence can be issued. These requirements are clearly described in Section 9 of the Act as it reads now.

Additional requirements are being added before a competency certificate will be issued. At present the Act allows a competency certificate to be issued to a person younger than 21 years without a limitation on age, provided there are compelling reasons. The additional requirements in the Bill are only applicable to persons between 18 and 21 years, which means that no person younger than 18 years may be provided with a competency certificate. The amendment states:

“(1A) Despite subsection (1)(b), the Registrar may issue a competency certificate, licence, permit, or authorisation contemplated in this Act to an applicant who is between the age of 18 years and 21 years if there are compelling reasons as contemplated in section 9(5)(b).

(1B) If a person contemplated in subsection (1A) is an applicant for a firearm licence, permit or authorisation, such applicant must have been constantly supervised for a period of 12 months on the use and handling of a firearm by a person who is over the

age of 21 years and who has held a licence for a similar type of firearm for a period of at least three years.

(1C) The applicant contemplated in subsection (1A) must furnish an affidavit from the supervisor contemplated in subsection (1B) confirming that the applicant has been provided with the supervision on the use and handling of a firearm.

(1D) Any person who provides false information in respect of the supervision contemplated in subsection (1B) and (1C) is guilty of an offence."

Comment: This confirms the principle that competency is only granted with special authorisation to persons younger than 21 years but older than 18 years if they meet the special requirements.

The reality is that persons younger than 18 years are excellent shottists that participate in hunting or shooting activities under direct supervision, most often of a parent. Therefore, in circumstances that are reasonable, provision should be made for persons as young as 16 years to be declared competent. The limitation of competency certificates to people older than 18 years only is objected to. A whole range of conditions must be met and there must anyhow be compelling reasons for such competency to be granted.

It would be impossible to meet the requirement set in section 1B of this proposed amendment. The requirement is that a person older than 21 years who held a licence for a similar firearm for at least 3 years must supervise an individual younger than 21 years for at least 12 months before the latter will be allowed to apply for a licence. This implies that the person of 21 years of age must have been issued with a licence at the age of 18 which is most unlikely, as this is not allowed. In practice it would most likely mean that a person not younger than 24 years must supervise. The wording should rather be redrafted.

This addition actually belongs partly in Section 9 of the Act where all the requirements for competency are explained, rather than in section 6 of the Act, and partly in section 15 of the Act where the requirements to apply for a licence are identified.

4.7. Section 7 of the Act

Section 7 deals with entities other than natural persons, therefore companies and legal entities. Such entities must nominate a natural person to whom competency or a licence is issued. The Bill now requires such natural person to be an executive or manager of the entity. The draft reads as follows:

"(1A) The natural person nominated in terms of subsection (1) must hold an executive or managerial position in the juristic person.'

Comment: Now it is required that a natural person (on behalf of the legal person) must serve in an executive or management position before a licence is issued. This will bring a serious limitation to such entities to whom licences may be issued. It is fairly common practice to require one person to take responsibility for firearms held by institutions. Such person must now first be appointed as manager or must be appointed in an executive position before he/she may be issued with the responsibility to attend to licences and firearms of the institution.

This amendment begs the question "so what will be different?" All I need to do is "appoint you as a manager" and you could continue doing what you used to do to take the responsibility for the firearms licenced to the institution. The rest of the requirements remain the same. A single page with one sentence that confirms that a person is appointed as manager or executive will suffice. This certainly does not make any material difference to the implementation of the Act. If the person is declared competent by the SAPS to do the work required, why should he/she be appointed as a manager or executive?

This proposed amendment will merely add to the administrative burden without adding any significant value to the process. SA Hunters objects to this amendment.

4.8. Section 8 of the Act

Section 8 of the act deals with accreditation of various entities such as hunting associations, sport shooting associations, dealers, gunsmiths, etc. This section of the Act was poorly implemented by the CFR specifically with respect to hunting associations and sport shooting organisations. Currently, accreditation for hunting associations and sport shooting organisations is a paper-driven exercise. Once sufficient and correct documents have been submitted, accreditation is granted based solely on the documentation provided. No physical inspection is done to establish whether the association or organisation even exists and has a business premises.

No material change is proposed to this section of the Act that sets out the requirements for accreditation.

The proposed amendment to Section 8 makes provision for the addition of endorsement certificates namely:

(7) The chairperson or an authorised office bearer of an association or organisation accredited in terms of this Act must, with regard to an application by its member for a licence to possess a firearm for—

- (a) dedicated sports shooting;**
- (b) dedicated hunting; or**
- (c) professional hunting.**

in the prescribed manner, verify the application made by such member of that association regarding the use, purpose and category of the firearm applied for, including the motivation for the application or any other part of the application.

(8) The Registrar must consider the verification by the accredited association or organisation when considering the application referred to in subsection (7), by a member of that association.

(9) The Registrar may independently verify any information supplied by the chairperson or an authorised office bearer of the accredited association or organisation.

(10) The Registrar may refuse the application on good cause in which case the Registrar must notify the applicant in writing of such refusal and include reasons for the refusal, within 30 days of the said refusal."

***Comment:** In 2006, when the Act was implemented, a collective of then accredited hunters' associations established an agreement with the then Minister that accredited associations would issue endorsements to their members to confirm that the purpose of the firearm licence applied for, was indeed correct.*

While only accredited hunting associations originally entered into this agreement with the Minister, the SAPS started requiring endorsements of a similar nature from other accredited parties and eventually accepted any "endorsement", even endorsements issued by shooting ranges.

This amendment now introduces endorsements as yet another requirement to be met for a licence application for a dedicated hunter, dedicated sport shooter and professional hunter. Furthermore, the format of the endorsement is also being dictated (without providing any detail thereof) and that the registrar should take the endorsement into account when considering the licence application but might still reject it.

There is no material assessment of what the endorsement from any organisation actually provides. If this piece of paper accompanies the application, the application is seen as better motivated than an application without such endorsement by the SAPS.

The inclusion of an endorsement in the Act, as proposed, is merely another hurdle that the applicant needs to overcome when applying for a licence. It would only be acceptable if the following is included in both the Act as well as in the processes followed by SAPS:

1. The endorsement will only be accepted if issued by a legitimate hunting association or sport shooting organisation (not the non-compliant associations accredited by the SAPS) and no other organisation or entity such as gun dealers, shooting ranges, etc.
2. Once the endorsement is issued by a legitimate hunting or sport shooting organisation, and all requirements are met the Registrar will accept the endorsement of the Association and issue the licence to the applicant.
3. If the above is accepted, then subsection 8 should read as follows: **(8) The Registrar must consider the verification by the accredited association or organisation when considering the application referred to in subsection (7), by a member of that association and if all other requirements are met, must issue the licence to the applicant.**

This amendment will most likely fit in better with Sections 15, 16 and 16A of the Act, which describe the requirements for a licence.

Besides, the Police already requires endorsements for all firearm licence applications without the Act requiring such endorsement. All of a sudden, endorsements are only a requirement for hunters, sport shooters and professional hunting. Most probably, this amendment serves to legitimise a current SAPS practice without adding any substantive value to the process to determine whether a licence should be granted or not.

4.9. Section 9 of the Act

Section 9 of the Act that deals with applications for competency certificates, is being amended to include applications for competency to trade and manufacture ammunition, and to be declared as a dedicated hunter, sport shooter or professional hunter. It reads as follows:

"(1) An application for a competency certificate to possess a firearm, to possess a muzzle loading firearm, to trade in firearms and ammunition, to manufacture firearms or ammunition, to be a dedicated hunter, to be a dedicated sports person, to be a professional hunter or to carry on business as a gunsmith, must be delivered to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant's business is or [will] shall be situated, as the case may be."

Comment: *No single valid reason is given why a dedicated hunter, sport shooter, or professional hunter needs additional competency. They are firearm owners like any other. They might require more firearms, but additional competency has been added as yet another hurdle to overcome despite the fact that they have already been declared competent to own firearms after complying with the competency requirements.*

This amendment is objected to and should not be implemented.

The competency to manufacture ammunition is a new requirement for people that reload. If it was intended for the commercial manufacture of ammunition, it might have made sense. Yet again, all reloaders are also firearm owners that reload for practical reasons because it is cheaper to load your own ammunition and the precision or accuracy of self-loaded ammunition is much better than commercially available ammunition. These firearm owners have already been declared competent to own firearms and comply with the requirements. Therefore, requirement of additional competency in such cases will add an unnecessary burden on the firearms administration. It would make sense to automatically include such competency in the existing certification of dedicated hunters, dedicated sports shooters, and professional hunters. The only reasons that will be accepted are if the applicant earns a living, runs a business, or is a dedicated hunter or sport shooter. All of the above amendments are not justified and should be rejected.

It would appear that the intent of the draft bill is to deny individuals the freedom to reload ammunition for their own use and to criminalise them for doing so.

Another amendment makes provision that competency will only be issued to persons younger than 21 years but older than 18 years , for good reason. This also depends on the issuing of a licence to a person younger than 21 years but older than 18 years.

The intent and rationale of this clause needs to be properly examined, and the clause redrafted to remove any additional requirements placed on dedicated hunters, sport shooters and professional hunters beyond the standard competency required of any and all competent firearms owners, and their “dedicated status” as awarded by the accredited associations to which they are compelled to belong. Dedicated hunters, sports shooters and professional hunters already have undergone additional training and are required annually to record their activities to maintain their dedicated status. That should be entirely sufficient. Again, it is a fundamental and critical flaw of the draft Firearms Control Amendment Bill, 2021, which fails to recognise that these categories of firearms owners and users do not present a criminal risk. Tightening up of these provisions does very little indeed, if anything, to address the major imperative of fighting crime and enabling law-abiding private citizens to exercise their civil liberties and fundamental Constitutional rights in a peaceful manner.

Subsections 7, 8 and 9 are added as follows:

"(7) If there is an interim protection order in force in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or the Protection from Harassment Act, 2011 (Act No. 17 of 2011), at the time of the making of the application for a competency certificate or during the consideration of the application, the Registrar may, depending on the nature of the particular order sought, suspend the processing of the application pending the final determination of the interim protection order.

(8) (a) The applicant must disclose to the Registrar any interim protection order served on him or her during the period referred to in subsection (7); and

(b) The applicant who fails to disclose to the Registrar any interim protection order served on him or her during the period referred to in subsection (7) is guilty of an offence.

(9) A competency certificate may not be issued to any person who had been—

(a) convicted of any offence that has an element of violence; or

(b) sentenced to imprisonment without the option of a fine."

***Comment:** There is certainly no harm in the amendment proposed in subsections 7, 8 and 9, except that it adds to the already comprehensive list of specific requirements that are deemed essential for competency. It remains an open question whether the SAPS will actually have access to the information required, and/or will be able to verify any temporary or permanent protection order being issued against an applicant. These specific amendments are not opposed.*

4.10. Section 10 of the Act

Section 10 deals with competency certificates and the type of competency certificates required. This amendment belongs with the amendments to Section 9, rather than with Section 10 of the Act.

Currently, the Act makes provision for competency certificates for firearm owners, firearm dealers, manufacturers, and gunsmiths. **Additional categories** for competency are now being added for **dedicated hunters, dedicated sport shooters and professional hunters**. These competence certificates will be **valid for 5 years from the date of issue at the most**.

***Comment:** In this instance, the manufacturing of ammunition is not regarded as a separate category and therefore, there is a difference between the categories provided here and in Section 9 of the Act.*

Currently, the Act makes provision for a competency certificate to be valid for the duration of the firearm licence for that particular type of firearm. The Police applies this practice as if competency certificates are valid for 5 or 10 years. (5 years for self-defence firearms and 10 years for hunting and sport shooting firearms.) This is a unilateral amendment that the Police started using without amending the Act.

Reducing the life-time of a competency certificate from 10 years for Sections 15, 16 and 16A firearms to 5 years, will more or less double the administrative burden on the Police to issue competency certificates. The Police already cannot deal with the current backlog of applications. The waiting period for renewal of competency certificates is already longer than 12 months. This amendment will only add to this waiting period. The amendment should be rejected.

A new **Section 10A** is added that provides for the renewal of competency certificates. Currently the Act allows the simultaneous submission of the renewal application of a competency certificate and the renewal application of a firearm licence.

The proposed amendment states that an application for the renewal of a competency certificate must be submitted at least 90 days before it (competency certificate) expires.

Comment: At present, the Police can hardly bear the burden of renewal of competency certificates. The average waiting period for the issuing of new competency or renewal of competency is one year and even longer. It is unlikely that they will be able to deal with renewal of competency every 5 years. This amendment is rejected completely.

4.11. Section 11 of the Act

Provision is made for the insertion of a new section 11A after section 11 of the existing Act. A new Section 11A is added that requires reasons for needing a firearm licence. This is commonly known as motivation for a licence. The proposed Section 11A reads:

11A. (1) The Registrar may not issue a licence that authorises the possession of a firearm unless the Registrar is satisfied that the applicant has a valid reason for possessing the firearm in line with the provisions of this Act.

(2) The Registrar may only issue a licence in terms of this Act if the applicant—

(a) states that he or she intends to possess the firearm for any one or more of the reasons set out in this Chapter; and

(b) provides written proof and evidence to the satisfaction of the Registrar in relation to the requirements set out in this Chapter and as prescribed for acquiring a firearm licence under this Act."

Comment: This amendment compels specific motivation for every firearm licence. It also prohibits the Registrar from issuing a licence if the motivation for ownership of the firearm does not match the specific requirement in the Act as specified in Sections 15, 16 and 16A. It is also important to note that written proof is required of the relevant reasons or "need" for ownership of the licence or the firearm. It is unclear how written proof would make any material difference. The only difference this amendment would make is to add to the paperwork required to substantiate the need for a firearm licence.

Need often depends on the preferences of the individual. How is it possible for the Registrar, who probably knows absolutely nothing about the shooting activity in which the individual may freely participate, to determine the manner and equipment a person prefers for a chosen lifestyle activity? After all, when a person is issued with a driver's licence, one cannot presume to dictate the type or make of car he may buy or use. Why do we impose this on firearms owners?

The choice of equipment that free citizens select to exercise their hunting and shooting activities is surely a matter of informed individual preference. The only reasonable requirement when applying for a licence for an individual firearm under the licensing regime contemplated in

the draft bill, is the prerequisite that the relevant firearm be endorsed as suitable and adequate for its intended purpose. Furthermore, the endorsement should be provided by an accredited and competent authority such as the hunters' or shooters' association to which the applicant belongs. That is the current practice which the draft bill seemingly seeks to amend. Therefore, it seems patently obvious that the licensing authority lacks the crucial knowledge and understanding of sport shooting and other firearms uses which render them ill-equipped to determine "need" in any meaningful manner.

The proposed amendment is strongly opposed.

4.12. Section 12 of the Act

Section 12 of the Act deals with additional licences for the same firearm. Currently the Act allows more persons living on the same premises to apply for a licence for the same firearm.

This section is being amended to allow only family members living in the same house to apply for additional licences for the same firearm. When the family member no longer lives on the same premises, the additional licence that was issued, must be handed back to the Police.

Comment: *This amendment has the following implications: If I am married and my spouse and I live in the same house, my spouse may obtain an additional licence for the same firearm and may legally possess and use the same firearm. If we are not married, but still share the same house, she is not regarded as a **family member** and does not qualify for an additional licence. Hence my life partner will no longer be allowed to either own or use the same firearm. This amendment is likely to result in additional applications for more firearms licences.*

4.13. Sections 13 and 14 of the Act

Sections 13 and 14 of the Act provide for the issuing of licences for self-defence. The proposed amendments remove these sections from the Act. Therefore, no licences will be issued for self-defence and self-defence will not be accepted as a motivation for any firearm licence.

Comment: *Removal of self-defence as motivation for a firearm is the single most emotive matter in the proposed amendments, and with good reason.*

According to statistics held by TLU South Africa, farm attacks had taken place approximately every second day, and someone had been murdered on a farm at least once a week, during the past 25 years.

The state intends to remove citizens' ability to own a firearm for self-defence, which means that all citizens in the country that are exposed to violent attacks with or without a firearm, will have no means to defend themselves because they cannot obtain a firearm licence for a self-defence.

The unrest and looting that occurred in mid-July 2021, is most likely the best example of a valid reason why self-defence firearms should not be withheld from citizens. It provides a perfect example where citizens had to protect themselves because the SAPS was evidently incapable of doing so, despite the support obtained from the National Defence Force.

*The need of ordinary citizens for self-reliance in ensuring their own security and that of their dependents has proven to be more important than ever before in South Africa, which **inter alia** is characterised by:*

- a. Rampant and gratuitous violent crime committed with a range of weapons including knives and other sharp objects, blunt objects, homemade weapons, and firearms and ammunition obtained illegally from state security institutions, and military-grade and other weapons smuggled across porous international borders;*
- b. An apparent bungled SAPS which was completely overwhelmed and incapable of protecting citizens;*
- c. Alleged complicity of police officials in violent crime which eroded the status of, and confidence in the SAPS and other institutions engaged in the combatting of crime; and*

- d. *The incapacity of the SAPS and other relevant institutions of State to act collectively in providing security to individual citizens, or securing their homes and businesses. At its best, policing is imperfectly reactive and not proactive.*

The proposed amendments to Sections 13 and 14 are objected to in the strongest terms possible.

4.14. Section 15 of the Act

Section 15 makes provision for the issuing of firearm licences for occasional hunting and sport shooting. The proposed amendment states that such a licence will only be issued for occasional hunting and sport shooting if the applicant is the owner or legal resident of a property where hunting or sport shooting occur occasionally, or if the applicant can provide written proof or permission by the owner or legal resident of the property where hunting or sport shooting takes place. The specific wording reads as follows:

"(2A) The firearm licence for occasional hunting or occasional sport-shooting purposes may only be issued if the applicant—

- (a) is the owner or lawful occupier of property where occasional hunting or occasional sport-shooting shall take place; or**
- (b) produces documentary proof of permission by the owner or lawful occupier of property referred to in paragraph (a), to engage in occasional hunting or occasional sport-shooting on the said property."**

Currently, occasional hunters may own a maximum of 4 firearms. This will remain unchanged.

***Comment:** The proposed amendment means that any individual that wants to apply for a section 15 licence for occasional hunting or sport shooting, will have to either live on a hunting farm or rifle range, or obtain proof from a shooting range or a landowner or a legal resident that he may participate in hunting or shooting activities before a licence will be issued. This is an unnecessary and absurd impediment. SA Hunters has more than 44 000 members of which 65% live in one of the mega cities in Gauteng. Not a single one of them will be able to obtain a licence without such a letter. This is merely adding an additional administrative burden to licensing firearms for occasional hunting or sport shooting that does not make any material difference to the process. This requirement should be scrapped.*

4.15. Section 16 of the Act

Section 16 deals with firearms for dedicated hunting or sport shooting. In this instance, various amendments have been proposed. Currently, Section 16 licences are issued for semi-automatic handguns, rifles, and shotguns. It is proposed to change this condition to refer to handguns, rifles, and shotguns that are not **forbidden**.

Furthermore, a member's dedicated status will only be acknowledged if he has been complying with requirements to retain his status for the previous 24 months. Dedicated hunters and sport shooters may not have more than 6 firearms of which not more than two may be handguns or semi-automatic firearms or pump action shotguns. Only a person that has maintained dedicated status for 24 months will be allowed to have a licence for a semi-automatic rifle or shotgun. Such an application must meet the following requirements:

The Registrar may issue a licence in terms of this section to any natural person who is a dedicated hunter or dedicated sports person if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited hunting association or sports-shooting organisation, or someone delegated in writing by him or her, stating that the applicant—

- (a) is a registered member of that association;**
- (b) has actively participated in hunting or shooting events of the association; and**

(c) has, during the preceding period of 24 months, complied with requirements of being awarded with a dedicated hunter or dedicated sports person status as prescribed."; and

(e) by the addition of the following subsections:

"(5) A person may not hold more than six licences in terms of this section.

(6) A person issued with a licence in terms of this section may not hold more than two licences each in respect of a—

(a) handgun;

(b) semi-automatic rifle; or

(c) pump action or semi-automatic shotgun, for dedicated hunting or a dedicated sports-shooting.

(7) A semi-automatic rifle or a semi-automatic shotgun may only be registered in terms of this section to a person who has maintained a dedicated status as a hunter or sports-shooter for a period of at least two years and continues to maintain such a dedicated status.

(8) Any application for a licence under this section must be accompanied by a written motivation containing at least the following information—

(a) the needs of the dedicated hunter or dedicated sports shooter;

(b) the type of firearm required;

(c) the shooting disciplines that the applicant is involved in; and

(d) such other information as may be prescribed.

(9) The motivation contemplated in subsection (8) must be supported by the chairperson or authorised office bearer of the relevant hunting association or sports-shooting organisation, as the case may be.

(10) Where a licence holder under this section ceases to hold the status as dedicated hunter or dedicated sports-shooter, the licence holder must, in writing, notify the Registrar of such cessation within 30 days of ceasing to hold such status, and the Registrar must follow the process in section 28 for the cancellation of the licence.

(11) Any failure by the holder to comply with the provisions of subsection (10) constitutes an offence.

(12) The association or organisation which has granted dedicated status to the member involved must, at the end of the association's year, provide a report in the prescribed manner to the Registrar on all its members who have—

(a) not renewed their membership;

(b) had their membership suspended;

(c) failed to comply with the requirements for awarding dedicated hunter or sport shooter status; and

(d) been expelled from the association.

(13) If a person issued with a licence in terms of this section holds any other licence contemplated in sections 12, 15 and 16A, the number of licences which that person may hold in terms of this section must be reduced by the number of such other licences held."

Comment: *These proposed amendments create numerous requirements for dedicated hunters and sport shooters that want to apply for a firearm licence. The following aspects are the most important:*

- *the individual must comply with requirements of being awarded with and maintaining a dedicated hunter or dedicated sport shooter status during the preceding period of 24 months,*
- *has actively participated in hunting or shooting events of the association;*
- *may not be in possession of more than six firearm licences;*
- *may not hold more than two licences for handguns, semi-automatic rifles or shotguns, or pump action shotguns;*
- *Only a dedicated hunter or sport shooter that has maintained dedicated status as a hunter or sport shooter for at least two years, will be able to obtain a licence for a semi-automatic firearm;*
- *Any application must be accompanied by a motivation that indicates the need for such a licence, the type of firearm, the shooting discipline in which he will participate, and any other information the Registrar might require;*
- *Must include an endorsement from the association that supports the application;*
- *Must inform the registrar if he/she loses dedicated status, after which the Registrar will cancel the licences according to Section 28.*

*This amendment puts considerably more obligations on the dedicated hunters and sport shooters to own **only two** additional firearms. The proposed amendments do not make any sense. Although associations organise sport shooting events, as a rule they do not organise hunting activities. Hunting is an activity that individuals arrange for themselves. If a dedicated hunter cannot maintain his dedicated status, the Registrar will cancel all his licences. These licences cannot be converted to licences for occasional hunting or sport shooting.*

In addition to the above the dedicated hunter or sport shooter will also have to obtain the required dedicated hunter or dedicated sport shooter competency.

The only difference these proposed amendments would make would be to add to the administrative burden and require more paperwork to obtain one of these licences. The proposed additional requirements add no value and merely illustrate the complete lack of knowledge of hunting and sport shooting disciplines.

Although SA Hunters supports the requirement for engagement in the Activities of hunting and sport shooting associations as a condition for “dedicated” status, the proposed additional requirements are disproportionately onerous when one considers that occasional hunters and sport shooters may own 4 firearms without these obligations while “dedicated” hunters and sports shooters would be limited to only 6 firearms.

The problematic and cumbersome issue of establishing “need” has been comprehensively addressed above.

The requirement for maintaining “dedicated” status either as a hunter or sports shooter refers only to hunting or shooting events of the “association” to which the hunter or shooter belongs. Again, the bill displays a disconnect with reality. Although many hunting and shooting associations enable members to engage in shooting activities, most associations do not “arrange” hunting activities, which are organised between commercial outfitters, landowners, and the hunters themselves. However, hunting is recognised as a legitimate activity that qualifies the individual to retain dedicated hunter status provided that the individual can prove to their associations that they participated in those activities.

The proposed cancellation of ALL licences in terms of Section 28 upon loss of “dedicated” hunter or shooter status, apparently without the option of renewing those licences and retaining those firearms as an “occasional” hunter or shooter is draconian and unreasonable. A law-abiding, compliant legal firearm owner with dedicated hunter or sport shooter status might find

the continued maintenance of that status too onerous and terminate that status but continue with activities on a less formal “occasional” basis. Would it be reasonable to deny that firearm owner the right to apply for conversion of 4 of those licences according to the requirements for “occasional” status to Section 15 licences while dispensing with the excess firearms to comply with his/her new status? Denying the individual that option is unreasonable and vexatious.

Responsible accredited hunting and sport shooting associations are already required to report annually those members that lost their dedicated status. SA Hunters has been doing so consistently for at least 8 years. SAPS and/or the CFR do not respond to this information. While there is an expectation that once a member of an accredited hunting association (as an example) loses his/her dedicated status he/she should lose the right to own more than 4 firearms, the SAPS does not act on this information provided to them.

If a person is reported to have lost dedicated status without receiving a response from SAPS, any additional requirements to the process of becoming a dedicated hunter and owning more than 4 firearms, are superfluous.

The proposed amendments are opposed.

4.16. Section 16A of the Act

This Section deals with professional hunters and their firearm licences. Professional hunters must comply with exactly the same restrictions and requirements as dedicated hunters and sport shooters, except that professional hunters may own a maximum of 8 firearms as proposed by the Bill.

Comment: *Once again, the proposed amendments make no sense and exactly the same comments as in the instance of Section 16 are applicable. The amendment is opposed.*

4.17. Sections 17 and 18 of the Act

It is proposed to delete Sections 17 and 18 of the Act which makes provision for private collectors to own a selection of firearms and ammunition (Section 17) and private ammunition collections. (Section 18). The amendment intends to scrap both sections.

Comment: *There are more or less 2 500 collectors that keep a variety of collections with a combined estimated value of more than R750 million. No museum in South Africa can equal the complete firearm collections of these collectors. These items include unique artefacts that are national treasures kept by private individual collectors. It would be foolish if these items were destroyed. Should these sections be deleted from the Act, private collections will be deemed worthless.*

The proposed removal of provisions that allow firearm and ammunition collections, is absurd, unreasonable, uninformed and totally unwarranted.

Firearms are legitimate artefacts that reflect social and technological history and heritage. For nearly 1000 years, firearm collections have been providing historical information about important technological innovations in this field. The gunsmith’s craft to produce admirable and functional firearms exemplifies civilization and technological advances that include many national treasures. The draft Firearms Control Amendment Bill summarily erases firearm collections that are worth many millions of Rands. This proposed amendment demonstrates cultural insensitivity and naïveté. It should also be noted that antique and obsolete firearms, which are the core of most collections, cannot be fired with modern ammunition. Sufficient supplies of appropriate ammunition is not readily available, if at all.

Sections 17 and 18 should be maintained as they currently stand in the Firearms Control Act 60 of 2000 to ensure that the important social and cultural role of collectors of historic firearms and ammunition is recognised, and should be allowed to be licensed accordingly.

The amendment is opposed.

4.18 Section 20 of the Act

Section 20 deals with the issuing of licences to business such as security firms, trainers, associations, and hunting outfitters.

Comment: *Although it may seem as if SA Hunters has no direct interest in this Section, it is important to remember that our firearm skills training activities (such as SA Hunt Training (Pty) Ltd) will be affected. The proposed amendment puts considerable restrictions on these entities, which seems to be a deliberate intention. These restrictions are also applicable to accredited training institutions and associations that own firearms. SA Hunters objects to these amendments because they have clearly been drafted to be applicable to security service providers only.*

4.19. Section 20A, B, C, D

This is a new addition to the current Act and makes provision for consultative forum meetings between the CFR and the private security authority (PSIRA).

Comment: *This makes provision for quarterly consultative forum meetings where the CFR and PSIRA can discuss matters of common interest. It is important to notice that organisations (hunting and sport shooting and accredited associations) directly affected, are excluded from these meetings.*

The SAPS/Hunters Consultative Forum was established in 2006, but all discussions stopped in 2019 when the CFR refused to attend these forum meetings. Therefore, no consultation with representative organisations for firearm owners have taken place since.

Provision should be made for consultative forums between the SAPS, CFR, accredited hunting associations, accredited sport shooting associations, trainers, hunting outfitters, and security companies. There should be consultation with representatives of all firearm owner groups to address and resolve practical problems with the implementation of the Act.

4.20. Section 21 of the Act

Section 21 deals with temporary permits to own a firearm that may be issued to any person. Currently, there are no restrictions on who may be issued with such a permit. The proposed amendments will restrict the issuing of temporary permits to executors of deceased estates only.

Comment: *Deleting the use of temporary permits could result in considerable problems for the Police. Approximately 500 000 old green licences are still valid. One method of replacing these licences and keeping them valid would be to issue temporary permits to those firearm owners. This will not be possible if this Section is amended as proposed.*

The amendment is opposed.

4.21. Section 22 of the Act

Section 22 of the Act deals with the use of a firearm by another person under the supervision of the licence holder. The current Act does not place any limit or age restriction on a person. However, the proposed amendment intends to place an age limit of 16 years or older on such a person.

Comment: *The amendment adds another restriction that only persons older than 16 may use the firearm with the permission of the owner. This means that children younger than 16 years will not be allowed to participate in hunting or sport shooting activities.*

This amendment places a substantive restriction on the rights of children under 16 years of age. It is quite common for children as young as 10 years to participate in hunting, and for even younger children to participate in sport shooting.

A culture of responsible legal firearms ownership and use has been deeply ingrained from a very young age in many South Africans, more particularly in those who spent their formative

years in rural areas. These individuals understand the use of firearms as tools and equipment for a healthy sport and recreation lifestyle. The Draft Firearms Control Bill, 2021 fails to appreciate or understand this cultural and ideological mindset, which seems to be common thread throughout the amendment bill. It is not individuals who have been trained from an early age in the responsible use of firearms that are generally responsible for the irresponsible use of firearms.

The draft bill restricts the minimum age to 16 years for persons that may use a firearm under supervision. Elsewhere in the draft amendment bill, it even seeks to criminalise a parent that gives their child access to an unloaded firearm under supervision as part of their education in firearm safety and etiquette. The effect of Section 22 denies children in their formative years proper training in, and exposure to, responsible firearm handling and use. Many young South Africans have taken part in hunting and shooting from an early age. Children aged 11 years have won shooting events organised by the South African Hunters' and Game Conservation Association.

SA Hunters offers sport shooting championships for children between 13 – 18 years. They may also compete equally with adults in open championships. In the past three years, the SA Hunters national shooting competitions were won twice by 16-year old sport shooters.

The amendment reflects a total disconnect with prevailing cultures in our country and seeks to intrude upon the way that parents raise their children. The amendment is impractical and seems to favour unreasonable ideological anti-gun bias.

Section 22 restricts appropriate supervision to the hunting and shooting sports of youths under the age of 16 years. It should be removed in the interests of engendering a balanced and informed approach to responsible legal firearms ownership, a culture of responsibility, and interest and participation in healthy and peaceful outdoor sport and activities.

4.22. Section 23 A

Section 23A is a new addition to the Act and makes provision for ballistic testing of all firearms. It makes provision for the Minister to publish a programme for the compulsory handing in of all firearms together with a round of ammunition for ballistic testing. If ammunition is not available, the state will provide ammunition where possible.

Comment: The Police's forensic department already performs ballistic tests on firearms that are linked to criminal activities. The current IBIS database stores this ballistic information. However, this system is no longer functional because the user licence fees have not been paid. It begs the question how the Police will be able to test and store the data of all licensed firearms. What would happen if a cartridge was not available and the state is unable to supply one for testing purposes?

Furthermore, there are few firearm owners that will be prepared to hand in their firearms to the Police for an unknown period for ballistic tests because they do not trust the Police.

It is unlikely that ballistic sampling would be possible for unlicensed (illegal) firearms that are often used in crime until after the event. Illegal firearms are unlikely to be linked to a fingerprint on the SAPS database.

The value of ballistic sampling as contemplated in the Bill is questionable. According to expert forensic opinion it is impractical for at least the following reasons:

- The ballistic characteristics or "fingerprint" of a firearm due to the hardness of the materials used for both the cartridge case and the projectile are a function of the type and make of ammunition used. With different types of ammunition, the ballistic markings on cases and projectiles differ even in subsequent shots fired with the same firearm.

- *Ballistic “fingerprints” of firearms are not set in stone. Over time, and with use, wear and tear from certain parts of the firearm will result in different markings on cartridges and projectiles.*
- *The impracticability of burdening an already incapable firearms administration system with a further mass of largely valueless information that serves no practical purpose and provides no dividend on the extensive compliance cost in terms of its contribution to a pro-active battle against violent crime.*
- *Currently, SAPS ballistically tests all firearms connected to crimes. The data is meant to be captured on the IBIS database which is no longer functional. Should the proposed amendment be implemented, the number of firearms currently involved is far less compared to the total number of firearms for which “fingerprints” would need to be stored. It is highly unlikely that the SAPS would have this capability, now or in the foreseeable future;*
- *The benefit of this extensive, expensive, and onerous exercise is questionable. The majority of privately owned firearms remain in the hands of their legal owners and are highly unlikely to be used in a crime. Firearms also change owners legally and the subsequent change of the relevant “fingerprint” might defeat any evidentiary purpose.*
- *In the event that legal firearms may fall into the wrong (generally unknown) hands, the fingerprinting of such firearms will probably not contribute towards apprehending the perpetrator. This amendment is a superfluous and vexatious requirement that is likely to deliver little dividends at the cost of great administrative effort; and*
- *Few if any owners of valuable firearms will be prepared to entrust those firearms to the care of the SAPS with associated risk of loss or damage. Any attempt to impose such an unreasonable requirement could meet with extensive civil disobedience. Judging by the current licensing process, one can imagine the logistical chaos should this absurd proposal be enacted into law.*

In conclusion of these comments, SA Hunters includes the statements made by Dr David Klatzow, a well-known forensic scientist on the matter of ballistic sampling and a database of ballistic fingerprints of firearms after having researched the subject for SA Hunters.

“My conclusions are:

- *Firearms do not always leave unique markings on the ammunition which is fired through them. Therefore, ballistic fingerprinting is unreliable as a forensic tool.*
- *The practice of comparative ballistic science is highly subjective and provides ample opportunity for bias.*
- *The ballistic fingerprint of a firearm can be changed using simple procedures and common materials.*
- *The ballistic fingerprint of a firearm can anyway change over its lifetime.*
- *An effective national ballistic imaging database is not feasible, as the variables of ballistic fingerprinting are too great.*
- *The possibility of false matches multiplies with the size of the ballistic imaging database. This raises the spectre of miscarriage of justice, particularly amongst the poorest of the poor.*
- *The cost/benefit ratio of a national ballistic imaging database is exceptionally high. Too much money would be spent for too little benefit.”*

4.23. Section 24 of the Act

This section deals with the renewal of firearm licences and makes provision for an administrative fine if the applicant submitted the renewal application later than the 90-day period but before the licence was due to expire.

Comment: *The Act already makes provision for the late submission of an application – with good reason – but the Police refuses to accept any late applications. Similarly, the Act also*

already makes provision for administrative fines, which to the knowledge of SA Hunters, have never been used by the SAPS.

The Police receives renewal applications daily, after the 90-day period but before the licence has expired, without issuing any fines. These late applications are often caused by the Police themselves because they use an appointment system that does not accommodate firearm owners within the prescribed period. To summarily start issuing fines when the Police lacks the capacity to receive applications on time, is grossly unfair and unreasonable.

The amendment is opposed.

4.24. Sections 25 and 26 of the Act

These sections address the notice of address changes and changes of circumstances and make provision for the Police to acknowledge receipt of such a notice by SMS or in writing within 30 days.

Comment: While the SAPS already makes use of the SMS system to communicate with applicants and licence holders for various reasons, including acknowledgement of an application for a licence and tracking progress of a licence application or renewal application, the system is not used consistently, and it is unreliable. SMS messaging is also costly and old technology.

Most applicants will already have e-mail addresses. Therefore, using e-mail would be much more reliable. E-mail messages can also be traced and logged as record of messages sent to an individual. The e-mail messages could also be automated and system originated.

4.25. Section 27 of the Act

This section deals with the validity period of a licence prior to its renewal. The amendment proposes that all licences be valid for only 5 years, except for a licence for business use which is only valid for 2 years.

Comment: This is a senseless proposal. All hunting and sport shooting firearm licences (Section 15 and 16) are currently valid for 10 years. Licences for self defence firearms (Section 13 and 14) are valid for 5 years only. The licences of firearms in business entities for game ranchers and hunting (Section 20) are also valid for 10 years.

Currently, the Police cannot deal with the workload of licence renewals despite the fact that renewals are done at provincial level. It takes at least 8 months to finalise licence renewal applications. Reducing the lifespan of some licences to 5 years will materially increase the workload and the waiting period of an already non-functional system.

4.26. Section 28 of the Act

This article deals with the cancellation of a licence once it expired and a renewal application not been submitted in time. The Act states that a licence holder has 60 days to dispose of the firearm. The amendments make provision for the following options:

- Surrendering the firearm for destruction
- Handing in the firearm to a dealer
- Deactivating the firearm

In all instances, it will be required for the firearm to undergo ballistic testing before the licence holder disposes of it.

Comment: At least this amendment provides clarity on an alternative that the owner may dispose of the firearm through a dealer. Currently, the Police refuses the sale of a firearm of which the licence has expired. If the firearm may be sold through a dealer in these circumstances it could just as well also be sold by the individual in question. Any delay in licencing the firearm to a new owner is most likely caused by a hold-up at SAPS and not by the owner.

The ballistic testing of such firearms makes no sense because these firearms were in legal possession. It is merely a situation where the firearm licence has expired, and a renewal application was not submitted in time.

There are already approximately 500 000 firearms of which the licences had expired and that might require destruction. The Police does not have the capacity to do ballistic tests on each of these firearms. The public also does not trust the Police with their firearms for an undetermined period to undergo ballistic testing.

The amendment is opposed.

4.27. Section 31 of the Act

Section 31 of the Act prohibits unlicensed trading in firearms or ammunition but subsection 3 at present allows an individual in legal possession to sell a firearm without the intervention of a dealer. The proposed amendment will scrap subsection 3 which will mean that firearms can only be sold or donated by licensed dealers.

Comment: *Every licence holder may sell his/her legally licensed firearm privately. There is no impediment on such transaction and licence transfers between individuals occur frequently. This section should make provision for the private trading of legally licensed firearms between individuals.*

The amendment is opposed.

4.28. Section 35 of the Act

This section deals with the renewal of dealers' licences. Dealers must also apply for the renewal of their licences 90 days before the expiry date. This amendment makes provision for such renewal applications to be submitted after the 90-day deadline, but with the charging of an administrative fine.

Comment: *The Police has limited capacity to deal with renewal of dealer licences and it is no surprise that these licence renewals are delayed. The proposed amendment does not make sense. It is commonly known that some dealers had to wait in excess of a year for the renewal of a dealer's licence.*

4.29. Section 38 of the Act

This section deals with dealers' notices for change of circumstances and makes provision for the Police to acknowledge receipt thereof by SMS or in writing within 30 days.

Comment: *There are various instances where the Police must acknowledge receipt by SMS. The Police already uses SMS notifications. However, the problem is that SMS notifications are random events and not used consistently.*

4.30. Section 45 of the Act

This section deals with the manufacturing of firearms and ammunition and prohibits the manufacturing of any firearms or ammunition without a manufacturer's licence. It is suggested that the section is amended by adding the following subsection.

“(3) It is an offence for any person, except the manufacturer of ammunition to be in possession of equipment designed and manufactured to reload ammunition”.

Comment: *Although the amendment is probably meant to focus on commercial manufacturers of ammunition, it may have far-reaching unintended consequences. It will affect thousands of people that reload their own ammunition.*

Hunters and sport shooters reload ammunition for two reasons: Firstly, the cost. Self-loaded ammunition is a lot cheaper than to buy, especially when one buys imported ammunition. The bigger the calibre of the firearm the more significant the cost difference between purchased and reloaded ammunition. The difference in cost will start at more or less R10 per round and escalate to R200 per round for the large calibres.

The second reason why people reload is for the sake of precision and accuracy. The quality of self-loaded ammunition is significantly better.

Thousands of people will be criminalised overnight should it become illegal to own reloading equipment.

This amendment is opposed.

4.31 Sections 49 and 52 as well as 63 and 66 of the Act

Comment: *Comments similar to the above is made on the amendments proposed on comparable matters. For the sake of not unnecessarily encumbering the matter it is not repeated.*

4.32. Amendment of the Heading of Chapter 8 of the Act

The proposed change to the heading of Chapter 8 of the draft amendment bill will include the **regular transport of firearms and ammunition** for export, import and transport of firearms and ammunition.

Comment: *This implies that any licence owner who regularly transports firearms will summarily become subject to the prescribed requirements that are currently applicable to the import and export of firearms. This has extremely serious consequences and this amendment is objected to.*

4.33. Section 73 of the Act

This section deals with the import, export, and transport of firearms. It is proposed that the registrar restricts the number of firearms and ammunition for import and export, and that no one may transport any firearm or ammunition without the necessary transport permit. The wording is as follows:

'(3) The Registrar may, taking into account the need and purpose stated by the applicant, restrict the number and type of firearms and ammunition that may be imported and exported in terms of this Chapter;

(4) No person may transport any firearm or ammunition in South Africa without a transportation permit."

Comment: *Although the intention of this section and its proposed amendment probably focuses on the commercial import, export and transport of firearms and ammunition, it might have unintended consequences. Thousands of hunters and sport shooters, as well as anyone that carries a firearm every day, will not be able to transport their firearms without a permit issued by the Registrar. It will simply be impossible for the Police to apply and manage this amendment.*

This also places a restriction on dealers with regard to the limit on the number of firearms that may be imported or exported. The consequence hereof may be serious for even the armed forces in the country. It was clearly illustrated during the uprising and looting in July 2021, that the SAPS ran out of ammunition and in some instances was provided with ammunition by private firearm owners.

This amendment is opposed.

4.34. Section 74 of the Act

This section deals with the requirement for the import and export of firearms. This amendment implies that if a temporary import permit for a firearm is not approved in advance, the firearm must be left with the designated firearm officer at the point of entry into the RSA to enable the person to first apply for a permit before the firearm/s can be returned to him. Furthermore, no prohibited firearms (automatic firearms) may be imported.

Comment: *This amendment will have a substantive impact on both hunting and sport shooting. If prior application for a temporary import permit is not done, the firearms will not be*

available for hunting and shooting activities. Currently, one has to apply at least 3 months in advance for a temporary import and export permit. There is already a delay in the issuing of these permits even with the 3-month application rule.

Furthermore, it is doubted if safe storage facilities are available for firearms at all ports of entry to the RSA. At many of the small border posts between RSA, Eswatini, Lesotho, Mozambique, Zimbabwe, Botswana, and Namibia there are no facilities available to store hunting firearms safely until an import or temporary import permit is obtained.

This amendment will discourage foreign visitors to the RSA for participation in hunting or sport shooting activities, and result in considerable loss in income for the country.

The amendment is opposed.

4.35. Section 74A

This new section to be included in the Act focuses on the commercial export of firearms and ammunition, and could have unintended consequences. It requires, among others, that an export permit for firearms and/or ammunition may be issued only after an import permit had been issued by the destination country. The addition of this section makes the requirements of the "National Conventional Arms Control Act of 2002 applicable to all firearm exports. The intention of the above-mentioned act, is aimed at firearms for military use, not hunting and sport shooting firearms.

Comment: *It is common practice by other countries to first require an export permit to be issued from the originating country before allowing for an import permit to be issued by the destination country. This amendment could easily create a checkmate situation where no export permit (temporary or permanent) is issued by the SAPS as the destination country would only issue an import permit once the export permit has been issued by the SAPS in RSA.*

4.36. Section 85 of the Act and insertion of Section 85A

This section of the Act addresses conditions imposed on transportation of firearms.

It is proposed that Section 85A be inserted at the end of Section 85.

Currently, an individual may only store another licenced firearm owner's firearm if the local DFO issued a permit for such storage. The storage permits are issued typically for at most one year at a time.

The proposed amendment makes provision for a dealer to store legally licensed firearms and for a firearm owner to legally store another firearm owner's firearm for a limited period providing he has written authorisation to do so.

Comment:

This is the first constructive amendment proposed in the draft bill. The intention seems to be that a legal firearm owner may authorise another firearm owner to store a firearm for a defined period.

However, a subsection is added, which states that this provision will not be applicable to section 20 licence holders. This would mean that a licence issued to a game rancher and hunting outfitter (with a business in hunting) or hunting associations that own firearms will not be allowed to have firearms stored by other legally licenced persons. The subsection is nonsensical.

Occasionally, a game rancher might not be at his/her residence and might require another legally licenced owner of firearms to temporarily store firearms.

The inclusion of subsection 85A(3) is opposed.

4.37. Section 86 of the Act

This section deals with the transport of firearms. Currently, the Act provides in principle for couriers and similar logistic operators (appropriately licenced) to transport firearms for payment. A new clause is proposed to be inserted that will restrict anyone that **does not have a transport permit**, from transporting **more than 3 firearms**. The clause reads as follows:

“(4) Any person who is not in possession of a firearm transporter’s permit issued in terms of this Act, may not transport more than three firearms at a time.”

***Comment:** This proposed amendment will place significant restrictions on hunters and sport shooters. Sport shooting competitions are scheduled to enable participants to travel together in one vehicle with several firearms. Hunters often travel together with more than 3 firearms in the vehicle. This amendment is absurd.*

To reduce travel costs, as many as 5 hunters or sport shooters will often travel in one vehicle, each one with two to three firearms for participation in hunting or sport shooting activities. The restriction of 3 firearms is nonsensical and impractical. The provision contemplated in Section 86 would mean that they could not travel together unless the owner of the (private) vehicle in which they travel had a firearm transporter’s permit. Each of the persons involved would be a licensed firearm owner and would in any case be required to be in possession of their identification documents and their firearm licences which could be verified against the firearms carried in the vehicle. This proposed amendment seems to be vexatious and aimed at inconveniencing persons that participate in lawful firearm-related activities.

4.38. Section 91 of the Act

Section 91 of the Act restricts a licence holder to 200 rounds of ammunition for every firearm that he/she holds a licence for. It states further that this restriction does not apply to dedicated hunters, dedicated sport shooters, and professional hunters.

The proposed amendment will restrict the maximum number of rounds to only 100 per licenced firearm, and makes provision for the Registrar to allow, with good reason, upon application, dedicated sports shooters, dedicated hunters, accredited training providers, occasional hunters, and occasional sport shooters to have more than 100 rounds of ammunition. In this process, the Registrar should note how frequently the firearm will be used, the level of participation in the Activity for which the firearm is registered, the number of rounds used per event, and any other relevant factors.

***Comment:** The proposed amendments are completely irrational. SA Hunters has more than 44 000 active members of which 16 951 are dedicated hunters and 13 285 are dedicated sport shooters. Each of these members will certainly apply for exemption from this restriction. The Police has no idea how much red tape and frustration is being created with this nonsensical proposed amendment.*

The rationale of this provision is questionable and will merely generate an additional administrative burden. The purpose of the restriction of 100 rounds of ammunition indicates a mindset that regards the legally-licensed firearm owner as a threat to society or perhaps national security. Tens of thousands of registered dedicated sports shooters and dedicated hunters will immediately apply for exemption with the necessary motivation. The cost of compliance outweighs any argument in favour of this restriction while the administrative impracticality of issuing separate exemptions will burden a system that is already unable to cope with its current challenges.

A last example should suffice. A dedicated sport shooter that participates in one international event of the International Gallery Rifle Federation in a specific discipline will need 1200 rounds of ammunition. The discipline is shot with a semi auto rifle in .22 calibre over three days from various positions, including shooting from both the left and the right shoulder and in the standing, kneeling, sitting and prone shooting positions. Should this amendment be

implemented such a participant would have to interrupt the competition at least 11 time just to purchase ammunition.

4.39. Section 93 of the Act

This section makes provision for every person with a legally licensed firearm to load his/her own ammunition for the firearms they use. The number of primers is restricted to 2400 and similarly, percussion caps are also limited to 2400. It is proposed to remove this section altogether.

Comment: *It is clear that the reloading of ammunition will not be allowed in terms of the proposed amendments. This will be problematic for thousands of reloaders and could possibly criminalise them.*

This amendment will disadvantage thousands of hunters and sport shooters that reload their own ammunition to reduce the cost of their hunting and shooting activities and to improve the accuracy of their firearms. It will also severely disadvantage owners of firearms for which ammunition is not readily commercially available, if at all, (such as owners of the various "wildcat" calibres and of functional firearms of earlier vintage) and who rely on reloading to enable them to use those firearms in the pursuit of lawful shooting activities. The rationale of removing this section will deprive firearm owners of the freedom to reload their own ammunition subject to reasonable constraints provided for in the current Firearms Control Act 60 of 2000.

The amendment is opposed.

4.40. Section 98 of the Act and the insertions of Sections 98A and 98B

This section deals with the obligations of official entities (Police, Defence Force, Intelligence services etc.)

Comment: *For the first time, it is proposed that heads of official entities should report quarterly on the number of firearms and ammunition that have gone missing or were stolen, the date when it was stolen or lost, the circumstances regarding the loss, action taken against those individuals responsible for the loss, and steps taken to prevent similar loss in the future. Furthermore, provision is made for ballistic testing of all firearms in possession of such entities.*

The proposed amendment that requires official entities to regularly report lost or stolen firearms and ammunition and the subsequent legal steps is welcomed. Leakage from these sources have been of concern to responsible and compliant firearms owners who are horrified by the cavalier attitude by state institutions towards the control of firearms.

This amendment is supported.

4.41. Sections 102, 103 and 104 of the Act

This section deals with declaring an individual incompetent to own a firearm upon which the Registrar must announce the duration of the declaration of incompetence.

Furthermore, the proposal makes provision for the Registrar to suspend the firearm licences of a person that has been accused of a violent crime or a person against whom a temporary protection order has been issued in terms of the Domestic Violence Act. When a final protection order has been issued, the firearm licences will be suspended.

When a firearm licence has been suspended, the relevant firearm/s must be surrendered to the Police for safe-keeping. If a protection order is repealed or the accused is found not guilty of violent crime, the firearm must be returned to the individual. When an individual is found guilty of the above crime, all firearms and ammunition in his possession will be confiscated by the SAPS.

Comment: SA Hunters supports the principle that an individual that is guilty of domestic violence or any other violent crime should not be allowed to own a firearm. However, there is little trust in the Police to keep any firearms safely.

It is suggested that the firearms rather be placed in the care of an accredited dealer for safe-keeping. Should an individual be found guilty of the violent crime, the relevant dealer should be allowed to sell such firearms for the economic benefit of the relevant individual, and the firearms should not be forfeited and destroyed.

4.42. Section 120 of the Act

Section 120 spells out the offences by individuals in terms of the Act. It is proposed that anyone that puts a child younger than 16 years in charge of a firearm, will be guilty of an offence.

Comment: *This amendment will criminalise many parents of children younger than 16 years.*

This amendment is absurd and should be scrapped in the interests of proper formative training of young people in the responsible and lawful use of firearms should their parents so wish. It will merely serve to criminalise the Actions of responsible parents in teaching their children proper firearm handling and etiquette, and a healthy approach to firearms and sport shooting.

SA Hunters offers sport shooting competitions to children younger than 13 years and between the ages of 13 and 18 years respectively. In both these categories children are allowed to use rimfire rifles and airguns. The parents of these children will be criminalised if this amendment is implemented.

SA Hunters also offers various open shooting competitions (open to all age groups). Two out of three competitions held during the past three years, were won by 16-year-old youngsters. Both these sport shooters were included in the South African team that won the International Gallery Rifle World Championship in 2019. They respectively came first and third in the individual world championship.

The amendment is opposed.

4.43. Section 124 of the Act, Sections 124A and B

The intention with this amendment is to elevate the Central Firearms Registry as a division in the SAPS.

Comment: *It is common knowlegde that the Central Firearms Registry has since its inception neither functioned properly, nor delivered the required level of service to either the public, the police, or Parliament. Elevating a non-functioning registry to a division of the SAPS will not remedy the problem or improve the firearms registration system.*

This amendment is opposed.

Furthermore, it is proposed that the registrar reports to the Minister and Parliament quarterly on:

- Theft and losses of firearms and ammunition from official entities
- Theft and losses of firearms and ammunition surrendered to the Police for destruction
- The outcome of investigations into theft and losses of firearms and ammunition under the control of the Police and other official entities
- Disciplinary and criminal action against members that had lost firearms and ammunition through negligence

Comment: *For the first time, it would seem that the Police and other armed forces will be held responsible for the loss of firearms and ammunition in their possession.*

This part of the amendment is supported.

The third part of the amendment focuses on the duties and responsibilities of designated firearm officers which have been described in more detail. It includes that DFOs must see to it that police officers undergo the prescribed competency tests before being issued with an official firearm; do regular inspections at security service providers; and ensure that all firearms surrendered for destruction, undergo ballistic tests.

Comment: *This amendment is strongly supported.*

Sections 124A and B are proposed to be included in the draft amendment bill and describe the responsibilities of commanding officers at Police stations.

Comment: *This amendment is supported. It is about time that the SAPS and official institutions take responsibility for the firearms in their possession.*

4.44. Section 127 of the Act

Section 127 makes provision for the appointment of the head of the Central Firearms Registry. The amendment proposes that the head of the CFR should be appointed as a divisional commissioner.

Comment: *It is irrelevant at which level this person is appointed. If the CFR is not properly funded, staffed, and managed, the Act cannot be implemented properly.*

This amendment is opposed.

4.45. Sections 128, 128A, 129, 130, 131, 131A and B of the Act

These sections deal with the Appeals Board appointed by the Minister to handle appeals against decisions made by the CFR. The intention of these amendments is to increase the size of the Appeals Board and to describe its functions, etc.

Comment: *The most important aspect of the Appeals Board has not been addressed, namely that it should be an independent body and not part of the CFR's command structure. The Appeals Board must deal with incorrect CFR decisions against which appeals have been submitted. It will be impossible to act impartially if the Appeals Board does not function separately from the CFR and does not have the necessary expertise. This is a critical error in the structure.*

These amendments are opposed until such time as the Appeals Board is appointed as a completely independent body apart from and not responsible to or reporting to the SAPS.

4.46. Section 145 of the Act

Section 145 of the Act makes provision for the Minister to publish regulations to deal with various matters. We identify only a few that are in the interest of hunters and sport shooters.

(mB) the consideration and processing of applications for competency certificates and licences to possess firearms;

(mC) the requirements for awarding a dedicated status to a dedicated hunter or dedicated sports-person;

((mH) the issuing of a temporary authorisation, including its period of validity and conditions, for firearms of a non-citizen who enters the Republic with a firearm to participate in sports-shooting or hunting activities;

(mL) the marking of ammunition at point of manufacture;

(mT) the measures relating to the storage and safekeeping of firearms or ammunition in a deceased estate;"

"(2) A regulation may provide for a penalty for any contravention thereof or failure to comply therewith, of a fine or imprisonment for a period not exceeding [12 months] three years or both such a fine and such imprisonment in the case of a natural person and to a fine not exceeding R500 000 in the case of a juristic person."

Comment: *If the intention of the regulations is to clarify the requirements for competency to own a firearm, it might be meaningful. However, it becomes bizarre for dedicated hunters and dedicated sport shooters that have already been declared competent to own a firearm, to also require competency to have dedicated hunter and dedicated sport shooter status. The only difference is that dedicated hunters and sport shooters may own more than four firearms. Additional regulations are superfluous and nonsensical.*

If the regulations are aimed at speeding up the issuing of temporary import and export permits to visiting hunters and sport shooters, it could result in a more positive experience for foreigners. The current process is painful and cumbersome and should not be made more difficult.

The proposed regulations to mark ammunition at the point of production, is nonsensical. Manufacturers already put their own head stamp on the cartridge shells they use. Any further compulsory markings will only increase the cost and do not contribute to the safety and security of civilians. The notion that ammunition should be marked at point of manufacture is ridiculous, to say the least. It will be impossible to implement with internationally sourced ammunition. There are no large manufacturers of ammunition left in RSA. It would be impossible to absorb the cost of marking ammunition at source of manufacturing in an attempt to link specific ammunition used to an individual licence holder. This would not contribute materially to reducing crime.

The safe-keeping of firearms and ammunition has already been determined. Firearms must be stored in a prescribed safe or must be under personal control of the owner. There is nothing more to add.

The penalty for breaking a regulation is increased from a one-year to a three-year jail sentence without giving any clarity on the nature of this offence.

The amendment is opposed.

4.47. Sections 147A and 148 of the Act

This section deals with the handling of a firearm and ammunition after the death of the licensed owner. A new Section 147A determines that the executor of the estate will not be in illegal possession of a firearm while he tries to sell it. The proposed addition will at least give clarity and certainty on the obligation of the executor. Section 148 is being amended to enable the executor to keep the firearm safe until the licence application has been completed, and to dispose of the firearm should the licence application be refused.

Comment: *This proposed amendment gives clarity on the process of dealing with firearms and ammunition of deceased estates. It is supported.*

5. Comments on the Amendment of Schedule 1 to the Act

The interim measures in schedule 1 are being amended to make provision for the implementation of the proposed amendments to the Act. The following aspects are important:

5.1. Items 1B and 1 C Licencing of Muzzle Loaders and Cap and Ball Firearms

Provision is being made for the licensing of a muzzle-loader, and cap and ball firearms. Competency is still required to own such a firearm and the firearm must be relicensed within 18 months after implementation of the amendments.

Comment: Extreme care should be taken in the decision to mark or number heritage firearms and collectable items because the numbering might reduce the value thereof. This amendment should be considered very carefully in conjunction with collectors and the Heritage Council.

5.2. Item 1D Compliance by Official Institutions

Provision is made for all official institutions to comply with the requirements of the Act within a year from the date of promulgation.

Comment: Official institutions are considered to have been the source of illegal firearms for much too long without any responsibility to comply with requirements similar to licenced firearm owners. Allowing them a full year to comply with the requirements of the Act is excessive. These institutions have access to the resources of the state and should be required to comply with the Act within 3 months.

5.3. Item 1 E Licencing of Actions, Frames, and Receivers

Provision is being made for the licensing of all actions, frames, and receivers within 18 months after the Act has been implemented.

Comment: At least this gives clarity regarding the licencing of certain parts of firearms.

5.4. Item 1 F Relicensing of Firearms

The proposed amendments deal with the relicensing of firearms with valid old green licences. Provision is made that all firearms with old green licences will remain valid for a period of two years after this amendment to the Act has been implemented. The Minister may extend this two-year period with the approval of parliament. Owners of firearms with old green licences must apply for relicensing of a similar new licence within the stipulated two years.

Comment: Herewith the 2009 interdict is skilfully circumvented. It is a pity that no clarity is provided about the prior or simultaneous application for competency. One can only assume that the individual will be able to apply for both the competency and the new licence simultaneously. It will also no longer be required to hand in the relevant firearm while awaiting the new licence, which is a positive move. In principle, individuals with firearms with valid old green licences, must apply within two years for competency and a new licence without having to hand in their firearms.

Comment: The amendment will be supported on the following conditions:

- (1) Simultaneous application could be made for competency or the renewal of competency as well as a licence.
- (2) The competency and licence will be issued within 90 working days from the date of the application submitted.
- (3) There will be no need or requirements to surrender the firearms to the police.

5.5. Item 1 G Validity of Competency Certificates and Licences

The interim measures make provision for competency to remain valid for the remainder of the firearm licence or for 5 years after implementation of the Act, whichever is the shortest.

Licences will remain valid until the expiry date printed on the licence, which might be longer than 5 years.

Comment: For now, the competency for self defence firearms is valid for 5 years, while competency for hunters and sport shooters is valid for 10 years (as applied by the Police). When reducing the validity period of competency to 5 years, the Police has doubled the volume of their workload. We doubt that the CFR has the capacity and ability to execute this process in a meaningful manner.

Comment: The amendment is opposed.

6. Conclusion

In addition to the specific comments on the proposed amendment of the Act a separate submission will be provided in which comment on the legal nature of the proposed amendment will be addressed.

Yours sincerely

Fred Camphor

CEO: SA Hunters