

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**FIREARMS CONTROL  
AMENDMENT BILL**

**[B 12—2006]**

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*(As agreed to by the Portfolio Committee on Safety and Security)  
(National Assembly))*

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**[B 12A—2006]**

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**AMENDMENTS AGREED TO**  
**FIREARMS CONTROL AMENDMENT BILL**  
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CLAUSE 1

1. On page 2, after line 9, to insert the following paragraph:
  - (c) “**‘calibre’**, for the purposes of sections 18(2)(b) and 19(3), means a cartridge as described by dimensions and make, mark, model or type;”;
2. On page 2, after line 14, to insert the following paragraph:
  - (e) by the insertion, after the definition of “Designated Firearms Officer”, of the following definition:  
 “**‘dispossession’**, for the purposes of section 118, means selling, supplying or in any other manner giving possession in contravention of section 120(10)(a);”;
3. On page 3, in line 7, to insert after the word section 9(2):  
“and any regulations relevant to the competency of a person to possess a firearm in terms of this act;”;
4. On page 3, from line 13, to omit the definition of “**muzzle loading firearm**” and to substitute:
 

“**‘muzzle loading firearm’** means—

  - (a) a barreled device that can fire only a single shot, per barrel, and requires after each shot fired the individual reloading through the muzzle end of the barrel with separate components consisting of a—
    - (i) measured charge of black powder or equivalent propellant;
    - (ii) wad; and
    - (iii) lead bullet, sabot or shot functioning as a projectile,

and ignited with a flint, match, wheel or percussion cap;”.
5. On page 3, from after line 30, to insert the following paragraph (l);
  - (l) by the insertion, after the definition of “private collector” of the following definition:  
 “**‘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 and who is authorised to do so in terms of any applicable provincial law;”;

CLAUSE 3

1. Clause rejected.

## NEW CLAUSE

1. That the following be a new Clause:

**Amendment of section 4 of Act 60 of 2000, as amended by section 2 of Act 43 of 2003**

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

“(e) any imitation of any device contemplated in paragraph [(a),] (b), (c) excluding the frame, body or barrel of a fully automatic firearm, or (d);”.

## CLAUSE 7

1. On page 4, in line 33, after “accreditation” to insert “issued in terms of this Act”.
2. On page 4, in line 42, to omit the words “30 days”.
3. On page 4, in line 45, after the word “representations” to insert “, within 30 days,”.
4. On page 4, from line 50, to delete subsection (4) and to substitute:

(4) (a) If a notice contemplated in subsection (3) is issued in the case of an accreditation in respect of an association or organisation contemplated in section 16, 17, 18 or 19—

- (i) such notice must be published in the *Gazette*; and
- (ii) the registered members of that association or organisation must, within six months from the date of publication, join another relevant accredited association or organisation.

(b) If a notice contemplated in subsection (3) is issued in the case of a licence issued in terms of section 20(2)(b) to (f), the former holder of the accreditation must dispose of the firearm in question through a dealer or in such manner as the Registrar may determine.

(c) The disposal must take place within 60 days of the receipt of the notice or determination.

## CLAUSE 8

1. On page 5, in line 9, after “a muzzle loading firearm”, to insert:  
“, to possess a firearm as a private collector in such specific category as may be prescribed,”

## CLAUSE 9

1. On page 5 in line 16, to omit “subparagraph” and to substitute “subparagraphs”.
2. On page 5, after line 17, to insert the following subparagraph:  
“(iB) possess a firearm as a private collector in such specific category as may be prescribed;”;

3. On page 5, in line 23, to “licence” and to substitute “competency certificate”.

#### CLAUSE 10

1. On page 5, in line 33, to omit “The” and to substitute “Any”.
2. On page 5, from line 33, to omit “section (2)” and to substitute “subsection (2) and section 9(1) and”.
3. On page 5, in line 37, to omit “The” and to substitute “Any”.
4. On page 5, in line 47, to omit “or will be”.

#### NEW CLAUSE

1. That the following be a new Clause:

##### **Insertion of section 16A in Act 60 of 2000**

**12.** The following section is hereby inserted in the principal Act, after section 16:

##### **“Licence to possess firearm for professional hunting**

**16A.** (1) A firearm in respect of which a licence may be issued in terms of this section is any—

- (a) handgun which is not fully automatic;
- (b) rifle or shotgun which is not fully automatic; or
- (c) barrel, frame or receiver of a handgun, rifle or shotgun contemplated in paragraph (a) or (b).

(2) The Registrar may issue a licence in terms of this section to any natural person who is a professional hunter if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited professional hunting association, or someone delegated in writing by him or her, stating that the applicant is a professional hunter and registered member of that association.

(3) A firearm in respect of which a licence has been issued in terms of this section may be used by the professional hunter for his or her private use and professional hunting purposes where it is safe to use the firearm and for a lawful purpose.

(4) Every accredited professional hunting association must—

- (a) keep a register which contains such information as may be prescribed; and
- (b) submit an annual report to the Registrar which contains such information as may be prescribed.”.

#### CLAUSE 11

1. On page 6, from line 17, to omit paragraphs (a) and (b), and to substitute:
 

“(a) A firearm [**or muzzle loading firearm**] which may be possessed in a private collection is any firearm approved for collection by an accredited collector’s association, based upon such historical, technological, scientific, educational, cultural, commemorative, investment, rarity, thematic or artistic value determined by the association.

(b) [Despite section 4, such prohibited firearm as may be prescribed may be licensed under this section] Where a firearm is approved for collection as a heritage item as defined in the National Heritage Resources Act, 1999 (Act No. 11 of 1999), such approval is subject to confirmation by the South African Heritage Resources Agency or any of its appointed agents.”.

2. On page 6, after line 25, to insert the following subsection:

“(1A) Despite section 4, such prohibited or restricted firearm as may be prescribed may be licensed under this section.”.

#### NEW CLAUSE

1. That the following be a new Clause:

#### **Amendment of section 18 of Act 60 of 2000**

**14.** Section 18 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

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

#### CLAUSE 12

1. On page 6, from line 45, to insert a new paragraph (a):

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

“(1) The Registrar may issue a licence to possess a firearm in a public collection, a permit to possess ammunition in a public collection, or both such permit and licence, to a public collector or an accredited museum.”.

2. On page 6, in line 45, to omit “paragraph (a)” and to substitute “paragraphs (a) and (b)”.
3. On page 6, in line 46, to omit “paragraph” and to substitute “paragraphs, respectively”.
4. On page 6, in line 48, to omit “and’;” and to substitute “and”.
5. On page 6, after line 48, to insert the following paragraph:

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

6. On page 6, in line 54, after “museum” to insert “or by an accredited public collector”.

### CLAUSE 13

1. On page 7, in line 16 to omit “reasonable”.
2. On page 7, in line 19, after “representations” to insert “within 30 days”.

### CLAUSE 15

1. On page 7, from line 46, to insert:

<u>16A</u>	<u>Licence to possess a firearm for professional hunting</u>	<u>10 years</u>
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### CLAUSE 16

1. On page 8, after line 17, to omit subsection (3) and to substitute:
 

“(3) A person who wishes to sell or donate a firearm, or a muzzle loading firearm, or ammunition in a collection, to a willing buyer or donee, as the case may be, may do so without the intervention of a dealer, [but] subject to the provisions relating to possession thereof in the Act, and such conditions as [the Designated Firearms Officer] may [determine] be prescribed.”.

### CLAUSE 22

1. On page 9, in line 16, to omit “reasonable”.
2. On page 9, in line 19, after “representations” to insert “within 30 days”.

### NEW CLAUSE

1. That the following be a new Clause:

#### **Amendment of section 91 of Act 60 of 2000**

**26.** Section 91 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) a dedicated hunter, [or] dedicated sports person or a professional hunter who holds a licence issued in terms of this Act or any other holder of a licence issued in terms of this Act authorised by the Registrar to possess more than 200 cartridges for a firearm in respect of which he or she holds a licence on good cause shown; or”.

### NEW CLAUSE

1. That the following be a new Clause:

#### **Amendment of section 93 of Act 60 of 2000**

**27.** Section 93 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) The limitation in paragraph (a) does not apply to a dedicated hunter, [or] dedicated sports person or professional hunter who holds a licence issued in terms of this Act or any other holder of

a licence issued in terms of this Act authorised by the Registrar to possess more than 2 400 primers for a firearm in respect of which he or she holds a licence on good cause shown.”.

#### NEW CLAUSE

1. That the following be a new Clause:

#### **Amendment of section 94 of Act 60 of 2000**

“28. Section 94 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) For the purposes of this section, ‘firearm part’ means a slide, bolt or breech-block of a firearm, or a device designed to be attached to the barrel of a firearm in order to muffle or moderate the report of that firearm.”.

#### CLAUSE 26

1. On page 11, in line 47, to omit “section 9(3)(b)” and to substitute “[~~section~~] sections 9(3)(b) and 103(7)”.

#### CLAUSE 33

Clause rejected.

#### CLAUSE 37

1. On page 15, from line 48 to omit paragraph (a) and substitute:  
“(a) no licence, permit or authorisation had been issued for such firearm or ammunition to that person and in the case of a muzzle loading firearm, no competency certificate had been issued to that person in terms of this Act; or”.

#### CLAUSE 45

1. On page 18, in line 7, after “ammunition” to delete “or ammunition”.
2. On page 18, in line 14, after “firearm” to insert “, muzzle loading firearm or ammunition.”
3. On page 18, in line 16, to omit “as” and to insert: “and any condition which may be“

#### CLAUSE 48

1. On page 18, after line 40, to insert the following subitems:

“(3) The period referred to in subsection (1) may be extended by the Minister for such period as the Minister may determine by notice in the Gazette.

(4) If the application for a competency certificate has been lodged within the period provided for in subitem (1), or the extended period referred to in subitem (3), the possession of the muzzle loading remains lawful until the application for a competency certificate is decided.”.

LONG TITLE

1. On page 2, from the 8th line, after “person”, to insert:  
;to provide for a licence to possess a firearm for professional hunting