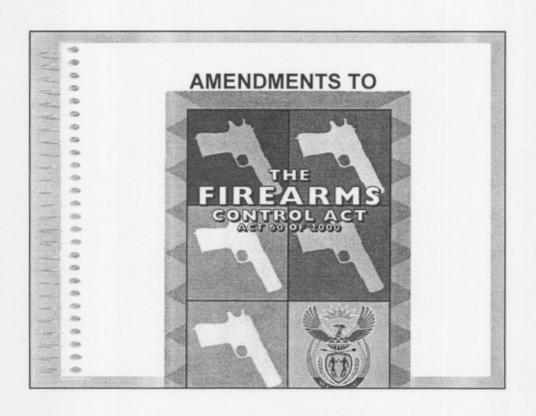
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# PRESENTATION TO SELECT COMMITTEE FOR SECURITY AND CONSTITUTIONAL AFFAIRS CAPE TOWN 18 October 2006

Firearms Control
Amendment Bill, 2006

### **PROCESS**

- Firearms Appeal Committee made proposals on amendments.
- · Meeting with DPP's on Admission of guilt.
- Minister invited proposals from stakeholders at his meetings.
- Undertook to have Bill introduced in Parliament before end of May 2006.
- Bill published in Gazette on 2006-02-24 for public comments. Public comments considered.
- Bill submitted to Cabinet through JCPS
   Cabinet Committee.

### **PROCESS**

- Portfolio Committee for Safety and Security invited comments.
- · More than 160 submissions received.
- Public hearings were held over a period of three days and presenters were representative of all possible stakeholders.
- Committee was sympathetic to a number of submissions, in a balanced manner.

### **BACKGROUND**

- Firearms Control Act in operation from 1 July 2004.
- Minister requested review of Act and to look holistic at other aspects in view of law enforcement needs.
- Problems experienced by prosecution taken into account, as well as proposals from Firearms Appeal Board and public submissions

### RELICENSING

- The renewal process presently scheduled for staggered implementation.
- Existing renewal process will not be affected by Bill.

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- Bill will amend the validity period of some licences:
  - (a)Licences to possess firearm for business purposes: Business as game rancher and in hunting from five to ten years.
  - (b) Licences to possess firearm for business purposes: Business other than as game rancher and in business in hunting from two to five years.
  - (c) Dealers', manufacturers' and gunsmiths' licences extended from one year to five years.

### **MUZZLE LOADERS**

- Muzzle loader is a firearm in which bullet is loaded from front (muzzle) end of barrel.
- Modern muzzle loaders range from reproductions of antique long guns to inline rifles using modern inventions such as a closed breach, sealed primer and fast rifling allowing considerable accuracy, up to 1" on 100yrds, even electronic ignition

### **MODERN MUZZLE LOADERS**

- Modern muzzle loaders differ from antique muzzle loaders
- · Modern bullets.
- Modern propellants.
- Modernized firing/loading mechanisms
- Scope
  - · Rifling- extremely accurate

### **PROPOSAL**

- That muzzle loaders still need not be licensed, but –
- the sale thereof restricted to persons who are 21 years or above,
- who can produce a competency certificate, and
- · sold only through dealers.
- Black powder only to persons in possession of competency certificate

CAP AND BALL REVOLVERS

### **PROPOSAL**

- Cap and ball revolvers remain firearms and are not included in the definition of muzzle loader they are loaded from the muzzle end of a cylinder and not the muzzle end of a barrel.
- Once loaded six shots can be fired in succession
- Appearance similar to ordinary revolvers

## RECOMMENDATION IN RESPECT OF COLLECTION

- All prohibited and restricted firearms to be collected must be made inoperable.
- All other measures in respect of collection remains the same.
- Individual registration of each firearm.
- Items must be collectable, process through the Heritage Agency.
- No limit upon number which may be collected.

### **FINGERPRINTS**

To amend the requirement of a full set of fingerprints by an applicant to require instead:

"such fingerprints as the Registrar may require in the circumstances."

### Comments/motivation:

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 To simplify temporary import permits i.r.o. foreigners for hunting and sports-shooting purposes.

### JURISTIC PERSONS: TRUSTS

The definition of juristic person has been amended in order to ensure that only trusts in which the trust deed explicitly provides for possession of firearms, may be licensed to possess firearms

# SEMI-AUTOMATIC SHOTGUNS WHICH FIRE MORE THAN FIVE SHOTS IN SUCCESSION

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Dedicated hunters/sports persons to be allowed to license semi-automatic shotguns which fire more than five shots in succession without reloading.

Sport-shooting organizations complain that the SA sport-shooting fraternity is hampered severely to host sporting events as this type of firearm is internationally used. There are other sections (14 and 17) in the Act where such firearms may be licensed. In other instances where the licensing of semi-automatic shotguns are allowed, no restriction is set in respect of fire-shot capacity.

### ADMISSION OF GUILT FINES

Directors of Public Prosecutions requested an amendment which will enable that admission of guilt fines could again be imposed in respect of minor offences which could lead to unfitness. Comments:

- Effect of proposal: An enquiry could still be conducted to determine a person's fitness to possess a firearm as result of minor assault, etc, but that where an admission of guilt has been determined, that it would not lead to an automatic unfitness.
- Present provision: Placed a huge burden on courts, as it prevents Directors of Public Prosecutions to determine admissions of guilt in minor cases, because it would, from an administrative justice point of view, prejudice the person if he/she becomes unfit without any legal process preceding the decision as the case would be during a trial.

### PERIOD OF UNFITNESS

- · The Bill provides a discretion regarding the declaration of unfitness in respect of the period.
- The Act was rigid in this regard.
- The proposal comes from the Appeal Board

PROFESSIONAL HUNTERS
Bill provides for new category of licence, namely that of a professional hunters.

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- Hunting outfitters organise hunt. Professional hunter must accompany hunters. Professional hunters contracted for specific hunts. Hunting outfitters expect them to provide firearms for back-up, etc.
- Presently professional hunters register firearms as dedicated hunters which limit the use of their firearms - not meant for business purposes.
- · Portfolio Committee instructed insertion of this category.
- Definition of professional hunter inserted in

# OCCASIONAL HUNTERS / SPORTS SHOOTERS

That the limitation that an occasional hunter or sports person does not qualify as such if he/she is a member of an accredited association be deleted from the Act.

### Comments:

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- Based on legal opinion obtained from the State Law Advisers, that indicates that present provision could be regarded as unconstitutional.
- · Bill rectifies situation

### **CONSULTATIVE FORUM**

- Act presently provides for a rigid formal Consultative Forum the Bill provides for an informal Forum for consultation.
- The Minister has established such informal forum for consultations it is broad based and no stakeholder or interested party is excluded from the Forum.

# PROPOSAL IN BILL ON SILENCERS

- The Bill provides that a silencer will be regarded as a firearm part.
- Result is that silencer may not be manufactured or sold by any person other than a dealer or gunsmith.
- It also opens the door for the Minister to further regulate silencers in terms of notices in the Gazette, in respect of acquisition, use, possession or disposal if in the interest of public safety or desirable for maintenance of law and order.
- Will allow it mainly for hunting purposes and not for handguns

### SILENCERS: CONTINUE

 A firearm part, may not be possessed by a person who is not licensed to be in possession of a firearm for that part.

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- Dealers will have to inform the CFR of sales of silencers in their monthly returns to the CFR.
- Prescribed forms and relevant Regulations will be amended to accommodate above proposals and a relevant notice will be issued by the Minister.
- Such notice must, in terms of section 94 be submitted to Parliament for approval.

### STREAMLINING IMPLEMENTATION OF ACT BY:

- The extension of validity of certain licence types.
- The acceptance of service provider certificates, instead of waiting for SASSETA certificates to process applications.
- Coinciding of competency certificates with validity period of licences
  - Streamlined procedure in respect of renewal of competency certificates.

### OTHER ISSUES NOT IN BILL

 Domestic violence- the Regulations will be amended in order to place an obligation upon the station commissioner to submit returns of the Clerk of the Court of domestic violence orders by the court to the Designated Firearms Officer, who must relate such orders to pending applications for firearms licenses.

### Thank you

Assistant Commissioner PC Jacobs
Legal Support:
Crime Operations:
South African Police Service