



# **NSA GUN GUIDE**

## **Step-by-Step Guide to Apply for Firearm Licences under Act 60 of 2000**

A Publication of  
The National Shooting Association  
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## ABBREVIATIONS

ACT / FCA:	The Firearms Control Act (Act 60 of 2000 as amended)
CFR:	Central Firearms Registry (also referred to in the ACT as the Registrar)
DFO:	Designated Firearms Officer in a specific area (i.e. Brooklyn Pretoria, or Centurion)
SASSETA:	The <b>S</b> ector <b>E</b> ducation and <b>T</b> raining <b>A</b> uthority (SEAT) responsible for Safety and Security – also the SETA responsible for managing the compilation of Unit Standards for firearms licensing and for awarding of Proficiency certificates once you have completed your training with a training provider.
RPL:	Recognition of Prior Learning – a term used in the national qualifications framework denoting the acknowledgement of appropriate knowledge which a learner has prior to enrolling for a specific unit standard.
SABS:	South African Bureau of Standards
SAPS:	South African Police Services
SAQA:	South African Qualifications Authority – set-up in terms of the South African Qualifications Authority Act (Act 58 of 1995), and responsible to manage the creation and implementation of education and skills training standards in all spheres throughout the country.
SETA:	Sector Education and Training Authority – set-up in terms of the Skills Development Act (Act 97 of 1998).
US:	Unit Standard – a standardized “module” for training in a specific field which has been registered with, and approved by SAQA.

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# 1. INTRODUCTION

This **GUN GUIDE TO LICENCE RENEWAL** tells you what you must know, what you must do, and how, to renew the licences for your legally owned firearm, as well as what to do to licence any new firearms you acquire.

## 1.1 THE GUN GUIDE

The Firearms Control Act (Act 60 of 2000 as amended), commonly known as the “new” Firearms Act, was officially implemented on 1 July 2004.

The “new” Act (hereafter the FCA for Firearms Control Act) determines that firearm owners must apply for renewal of all licences for all firearms they held under the previous Act (Arms and Ammunitions Act, Act 75 of 1969 as amended).

All firearms licensed before 1 July 2004 under the previous Act, are held legally by their owners until these have been renewed in terms of the FCA. However, firearms that were legally held under the previous Act (1969) will become forfeit to the State if the licences of such firearms have not been renewed in terms of the FCA (Act 60 of 2000) by 30 June 2009.

This **Guide** is compiled for the explicit purpose of assisting firearm owners with the processes involved in renewal of their legally owned firearm licences. The **Guide** also discusses important related aspects that firearm owners need to know in order to comply with the stipulations of the FCA and to also get their new firearms licensed.

As there are approximately 3 million legally owned firearms in the country, of which all licences must be renewed by the individual firearm owners, the Central Firearms Registry (CFR) of the South African Police Service (SAPS) has taken steps to make the administration attached to the renewal process easier for them to handle. Firearm owners have to apply for renewal of firearm licences according to the birthday month of the licence holder. The schedule is as follows:

### The Firearm Licensing Renewal Schedule (Act 60 of 2000)

Birthday - January to March	.....	Renewals on or before 31 March 2006
Birthday - April to June	.....	Renewals on or before 31 March 2007
Birthday - July to September	.....	Renewals on or before 31 March 2008
Birthday - October to December	.....	Renewals on or before 31 March 2009

Firearm owners can be penalised if they do not apply for renewal of their firearm licences in the year they are scheduled for renewal, even to the extent of having their firearm licences revoked.

That's why the **Gun Guide** will assist you through the necessary processes.

## 1.2 OBJECTIVES OF THE GUN GUIDE

The two main objectives of this **Gun Guide** are:

- to provide a step-by-step guide of what you must know and must do and when to apply for renewal of your legally owned firearm(s);
- to provide a step-by-step guide of what you must know and must do when you want to apply for a licence for the new firearm(s) you acquire.

Additional objectives of the **Gun Guide** are to:

- explain what the terms, “proficiency”, “competency”, and “dedicated hunter” (or dedicated sports person) means, and how these directly affect your legal ownership of firearms and their use;
- provide knowledge regarding the licensing or renewal of licensed firearms you acquire through a will, or want to cede to your children or family members in a will;
- provide knowledge of those sections of other Acts that have a bearing on the stipulations of the FCA, and on firearm ownership and use.
- provide a description of the process of Appeal if an application for a firearm licence under the FCA is turned down by the Central Firearms Registry;

## 2. FIREARM LICENCES AND GUN OWNERS

This section of the **GUN GUIDE** explains those aspects of the FCA that determine renewal of licences as well as application for licences for new firearms. The section explains what you should know and how you should go about to apply for licensing of your firearm(s), and provides answers on some prominent everyday questions raised in the implementation of the FCA.

### 2.1 LICENCE TO POSSESS A FIREARM

In terms of Section 11 of the FCA, the Registrar must issue a separate licence for each firearm that is licensed in terms of Chapter 6. The Registrar may, however, issue a single document to a person containing licences for all his / her firearms.

There are 9 “types” of firearm licences that can be issued by the SAPS, each describing a specific situation in terms of a specific firearm. These are:

- Additional licences (Section 12)
- Licence to possess a firearm for self-defence (Section 13)
- Licence to possess a restricted firearm for self-defence (Section 14)

- Licence to possess a firearm for occasional hunting and sports-shooting (Section 15)
- Licence to possess a firearm for dedicated hunting and dedicated sports-shooting (Section 16)
- Licence to possess a firearm in a private collection (Section 17)
- Permit to possess ammunition in a private collection (Section 18)
- Licence to possess a firearm, and permit to possess ammunition, in a public collection (Section 19)
- Licence to possess a firearm for business purposes (Section 20)
- Temporary authorisation to possess a firearm (Section 21)

The holder of a firearm license issued in terms of the FCA, may allow any other person to use that firearm while under his or her immediate supervision where it is safe to use the firearm and for a lawful purpose (Section 22).

For purposes of this **Gun Guide** the 5 more important “types” of licences readers will probably have to acquire are:

- 1) additional licences (described under Section 12);
- 2) licences for self-defence (described under Section 13);
- 3) licences for occasional hunting and or sport-shooting (described under Section 15), and;
- 4) licences for dedicated hunting and or sport-shooting (described under Section 16)
- 5) Temporary authorisation to possess a firearm (Section 21)

### 2.1.1 Additional Licences

Additional licence can be issued to more than one person in the same household (living on the same premises) in respect of a specific firearm licensed to an individual also living in that household. Additional licences are valid for as long as the additional licensee lives on the same premises as the licence holder. Every holder of such an additional licence must comply with all the requirements for the issue of a licence in respect of the firearm in question (i.e. complete proficiency training and acquire competency – see below).

This is an important category to contemplate when applying for a licence if one has one or two firearms in the household which are only licensed to one person.

The non-owner of a firearm may only use a licensed firearm in the presence of the licensed owner (section 22 of the FCA). If a pistol is licensed to the husband and the wife should use the firearm in self-defence when the husband is not home, such use could constitute illegal use of that firearm.

### 2.1.2 License to possess a firearm for self-defence:

Firearms which can be licensed in this category is a shotgun which is not fully or semi-automatic, or a handgun which is not fully automatic (compare with sections 14 and 16). A licence in this category is issued to a person who needs a firearm for self-defence, and

provides a good motivation why s/he cannot reasonably satisfy that need by any other means.

No person may hold more than one licence issued in terms of this section. A licensed firearm for self-defence may be used where it is safe, and in a lawful manner.

### 2.1.3 License to possess a firearm for occasional hunting and or sports person (sport-shooting):

*Firearms* in this category is can be a suitable handgun (only one handgun is allowed under this Section), or any rifle or shotgun – bolt action, lever action, pump action – but not fully or semi-automatic (see full Section 14 under 4.7 below).

A licence may be issued in terms of this section to a person who is a proven occasional hunter or occasional sports person (proof of this must be provided, such as membership of an association, and affidavits from hunting and or sport-shooting colleagues as part of your motivation for application of licences). One may not hold more than four licences under this section. If a person holds a licence issued in terms of section 13, s/he may only hold three licensed firearms under this section.

### 2.1.4 Dedicated hunter and/or dedicated sports person (sport-shooting):

*Firearms* for which application for licensing can be submitted in this category is any handgun, rifle, or shotgun which is not fully automatic (a person who would want to licence [either new or renew] a semi-automatic rifle or shotgun is compelled to acquire this status from a CFR accredited association. More than 4 firearm licences can be issued to a person under this

section once such a person has been declared to be a dedicated hunter or a dedicated sports person by a SAPS (CFR) accredited hunting or sport-shooting association (organisation) of which s/he is a member in good standing. The Regulations of the FCA (2004) determine that a member of an accredited hunting or sport-shooting association can only acquire dedicated status once such a member has complied with training requirements in accordance with the Skills Development Act (see 2.2 below). However, there is slow progress in registering the unit standards for dedicated hunters and for dedicated sports persons with SAQA. Interim measures have been agreed upon between

**Additional** – additional licences for persons on same premises (household) for already licensed firearm. Licence valid for 5 years

**Self-defence** – 1 firearm for self-defence (handgun or non fully automatic or semi-automatic shotgun). Licence valid for 5 years.

**Restricted firearm** – (Section 14) restricted semi-auto shotgun – only 1 licence in exceptional occasions. Licence valid for 2 years.

**Occasional hunter (sport-shooter)** – maximum of 4 firearms. If 1 firearm for self-defence (only 1 handgun), then only 3 firearms used for hunting or sport-shooting under this section. If not dedicated hunter or sports person, then number of firearms have to be reduced to comply with number of 4 firearms allowed under this section. Licences valid for 10 years.

**Dedicated hunter (Sport-shooter)** - may own more than 4 licensed firearms, 200 rounds of ammunition and more than 2,400 primers – provided that person holds and maintains dedicated hunter or sports person status with a SAPS accredited hunting or sport-shooting association. Licences valid for 10 years.



the accredited hunting associations and the CFR, which entitle these associations to award dedicated status to those of their members who comply with a strict criteria set by the specific association.

Only SAPS (CFR) accredited hunting or sport-shooting associations may award dedicated status to their members who comply with the criteria set by the relevant association / organisation to acquire such status under this interim measure.

An individual may hold dedicated hunter (sport-shooter) status with as many accredited hunting or sport-shooting associations as s/he wishes. It is not true that this will allegedly cause administrative problems for the CFR. The CFR registers licence holders per their ID numbers on their database, and not per their dedicated status.

Applications for licenses in this category have to be accompanied by a sworn statement from the chairperson of the accredited hunting association or sports-shooting association of which the applicant is a member. The sworn statement must declare that the applicant is a registered dedicated hunter (sport-shooter) in good standing in that association (usually this is done by way of a certificate issued by the accredited association).

Every accredited hunting association and sports-shooting organisation must keep a register of dedicated hunters (sport-shooters) in the association, and must report to the CFR on an annual basis those dedicated members who have given up their status or who have lost such status due to disciplinary measures taken against such member by the specific association.

Dedicated members who do not maintain their membership of the association where they are classified as dedicated hunters (sport-shooters) lose their dedicated status with their membership. They then have to inform the SAPS (CFR) of their changed circumstances (SAPS 521(c)) and lose the advantages they held with the dedicated status (i.e. they may hold more than 200 rounds of ammunition - important for shotgunners – and 2,400 primers, apart from the fact that s/he may apply for licensing of more than 4 firearms – in comparison with applicants who qualify as occasional hunters (sport-shooters) – see section 15 of the FCA).

As such a person's status regarding firearm licensing has dramatically changed, s/he might be required to re-apply *de novo* for his/her firearm licences.

Section 4(1)(e) of the Regulations stipulate that an accredited association may only allow a member dedicated membership of the association for as long as:

- (i) the dedicated member is a person in good standing with the association; and;
- (ii) provided that an association will no longer register a person as a dedicated member if that member conducts business in hunting or sport-shooting on the strength of a licence issued to him/her as a dedicated hunter or sport-shooter.

### **2.1.5 Temporary authorisation to possess a firearm**

Under Section 21 of the FCA application may be made to the SAPS (CFR) for a temporary licence to be issued in respect of a specific firearm for a specific person. This section is especially applicable in instances where a person has acquired a firearm but a licence has not been issued, and the person would want to use such firearm for specific hunting trip or a specific shooting competition.

The section can also be used in instances where a responsible minor can go on a hunting trip and cannot, because of his/her age, acquire a full licence for a firearm.

The application form, SAPS 518 can be completed in this instance and handed in at the relevant DFO.

## 2.2 PROFICIENCY

One can only own a firearm legally under the FCA if one has, as a first step in the process, attained proficiency status.

You acquire proficiency status by successfully completing the relevant tests (theoretical and practical, or just theoretical) with an accredited training provider.

There are two scenarios that have bearing here, the one is **renewal of licences** and the other is **applying for a licence for a new firearm**.

### 2.2.1 Renewal of firearm licences

You must apply for **renewal of the licences of the firearms** you hold legally in terms of the previous Act (1969).

In this instance you must successfully complete a theoretical test, which complies with the requirements of unit standard 117705 (knowledge of the ACT or FCA). This test can be paper or e-based and must be taken down by an accredited training provider.

As there are approximately 3 million legally owned firearms in the country, of which all licences must be renewed by the individual firearm owners, the Central Firearms Registry (CFR) of the South African Police Service (SAPS) has taken steps to make the administration attached to the renewal process easier for them to handle. Firearm owners have to apply for renewal of firearm licences in accordance with a schedule ordered per the month of the licence holder's birthday. The schedule is as follows:

#### The Firearm Licensing Renewal Schedule (Act 60 of 2000)

Birthday - January to March	.....	Renewals on or before 31 March 2006
Birthday - April to June	.....	Renewals on or before 31 March 2007
Birthday - July to September	.....	Renewals on or before 31 March 2008
Birthday - October to December	.....	Renewals on or before 31 March 2009

All firearms licensed before 1 July 2004 under the previous Act (1969), are held legally by their owners until these have been renewed in terms of the FCA. However, firearms that were legally held under the previous Act (1969) will become forfeit to the State if the licences of such firearms have not been renewed in terms of the FCA (Act 60 of 2000) by 30 June 2009.

Firearm owners can be penalised if they do not apply for renewal of their firearm licences in the year they are scheduled for renewal. Use of your licensed firearm(s) which has been licensed under the previous Act (1969), is legal for as long as it takes for the

renewal applications of your firearm(s) to be issued. Carry proof of submission documentation with you when you use the specific firearm(s) (a certified copy of the SAPS 523 form which you receive when you submit your renewal application is more than adequate).

### 2.2.2 Licensing a new firearm

If you want to apply for a **licence for a new firearm** acquired after 1 July 2004, you have to successfully complete the relevant unit standard related to the specific firearm you acquired with a SASSETA accredited training provider (US10748 handgun, US10750 rifle or US10754 shotgun – safe and efficient handling of the specific firearm). After attending a few classes (usually two to three), you will be tested both for theoretical and practical knowledge.

One can complete the tests for all three of these unit standards in one session. Get details from your training provider (see the NSA's preferred training providers at <http://www.natshoot.co.za/trainingProv.php>).

If you have only completed the test for renewal (US117705), you will still have to complete the unit standard for the specific new firearm you buy and must license (handgun, shotgun, rifle).

If you apply for a license for a new firearm before the year in which you have to apply for renewal, the competency certificate issued by the SAPS in terms of the license for the new firearm, will still be valid when you have to apply for renewal. You will thus not have to be evaluated for competency again (competence certificates are valid for 5 years after issue).

If you have attained competency because you have applied for it with renewal of firearm licences, it will also be valid for an application for a licence for a new firearm.

### 2.2.3 Recognition of Prior Learning

When one completes one of the firearm specific unit standards (handgun, rifle, shotgun), one is entitled to apply for **Recognition of Prior Learning** (RPL) from your training provider. RPL is granted on grounds of years of proven experience with firearms. Your training provider will assess your specific situation. This means that one does not have to attend classes. One then just has to complete the written open-book theoretical test, and complete the practical shooting on a SABS approved and SAPS accredited shooting range. Training providers may not take down practical shooting tests on any other shooting ranges.

In the instance of renewal of licences RPL is implicit because of your legal firearm ownership, and one just has to complete the open-book theoretical test.

After successfully completing of any of the unit standards explain above, your training provider will submit the results of your test(s) to SASSETA (Safety and Security Services Sector Education and Training Authority). SASSETA will then issue you with an official Learner Achievement Certificate, which serves as proof of your proficiency status.

You are now over the first and most difficult hurdle in the process

## 2.3 COMPETENCY

Once one has acquired proficiency status, one can apply to be awarded competency status by the SAPS (you must hand in your application with the Designated Firearms Officer [DFO] in your area, in person). Enquire at your nearest police station as to where your nearest DFO's offices are (not all police stations have DFOs attached to them).

The SAPS will then investigate your particular situation according to the stipulations of section 9 of the FCA (see 4.6 below), and determine whether you are competent to own firearms. After the SAPS has awarded competency status, which is valid for 5 years, you may apply for the licensing of your firearm(s) (either for renewal, or for a licence for a new firearm).

Because the investigation concerning the awarding of competency takes some time, the SAPS are prepared to accept both applications for competency and for renewal of firearm licences at the same time.

A competency certificate may only be issued to an applicant if such a person is a South African citizen, or holds a permanent residents permit, is 21 years of age, and further also complies with the other criteria of section 9 (see 4.6 below).

In addition to these criteria the DFO will conduct interviews with your spouse, family members and others at the discretion of the DFO. The DFO may also consider the following personal circumstances before awarding competency to an applicant:

- whether in the past five years the applicant has been served with a protection order in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (see Annexure A);
- whether in the past five years the applicant has been denied a firearms licence;
- whether in the past five years the applicant has threatened or attempted suicide, suffered from major depression or emotional problems;
- whether in the past five years the applicant has been diagnosed or treated for depression, drug, intoxicating or narcotic substance abuse;
- whether in the past two years the applicant has experienced a divorce or separation from an intimate partner because of written allegations of violence;
- whether in the past two years the applicant has experienced a forced job loss (in other words, has been fired).

Apart from the completed SAPS 517 form (see 2.4 below), the DFO will require finger prints of the applicant (taken at the police station). The DFO will also require two recent passport colour photo's of the applicant, and will visit the applicant's home to inspect the state of the applicant's firearm safe (see 4.27.4 below).

### Procedure (steps to complete)

#### 1. Acquire proficiency status

– complete theoretical and practical tests related to unit standards for handguns, and/or rifles and/or shotguns (new firearms), or theoretical test for renewal of legally owned firearms.

#### 2. Apply for competency status with the SAPS so that you may apply for licensing of your firearm(s).

#### 3. Apply for licence(s) under the FCA - either renewal of legally owned firearms (per birthday schedule), or for licensing of new firearm(s).

You must apply for a SAPS competency certificate at the same time as you apply for renewal of your already legally owned firearms.

The DFO will (must) inform you personally of the outcome of your application for competency.

You will have to apply for competency every 5 years after the initial issue of the certificate. Your proficiency awarded through POSLEC (see 2.2 above) does not have to be re-evaluated, and is valid for as long as you legally own firearms.

### 2.3.1 Important exception

A person under the age of 21 may apply for a competency certificate if there are compelling reasons for such a person to obtain a licence to possess a firearm. Compelling reasons inter alia include the fact that the applicant conducts a business, is gainfully employed, is a dedicated hunter, or is a dedicated sports person.

## 2.4 SAPS FORMS NEEDED FOR LICENSING APPLICATIONS

You will need the following forms when applying for the different aspects related to licensing of your firearms.

- **SAPS 517:** Application for a Competency Certificate
- **SAPS 517(e):** Application for Renewal of Licence(s) in Terms of the Previous Act plus - **Important** - the **Annexure to SAPS 517(e)**, which is available at the DFO (these two forms must be completed for every firearm you wish to have licensed).
- **SAPS 271:** Application for Licence to Possess a Firearm (application for a licence for a new firearm)

Make sure that you receive the following two completed forms from the DFO once you have submitted your applications:

- **SAPS 523** Acknowledgement of Receipt of Firearm Documentation (one per application)
- **SAPS 523(a)** Remittance Advice for Firearm Applications (one per application – or at least indicating for which applications).

All the official SAPS forms that you will need for applications can be obtained at the DFO's office or can be downloaded in Afrikaans or English from the SAPS website.

- English forms can be downloaded from:  
[http://www.saps.gov.za/crime\\_prevention/firearms/formseng.htm](http://www.saps.gov.za/crime_prevention/firearms/formseng.htm)
- Afrikaans forms can be downloaded from:  
[http://www.saps.gov.za/crime\\_prevention/firearms/formsafr.htm](http://www.saps.gov.za/crime_prevention/firearms/formsafr.htm)

You can also download information forms, which instruct you how to complete each form. Remember to fill out the forms in black ink. Make sure you use clear print.

In your own interest, it is suggest that you submit all SAPS forms and all supporting documents in English, to avoid officials at the CFR not understanding your application and motivations. Type those supporting documents that you can, to avoid the CFR sending your application back because of "illegible handwriting".

Number all pages in the top right hand corner which you attach to a specific form. Payment for submission of all of these forms can only be made with a bank guaranteed cheque or in cash. At the time of publication cost of a competency certificate was R70, while cost for each individual licence application was also R70.

## 2.5 DO'S AND DON'TS: GUIDELINES FOR APPLICATION

It is strongly recommended that you compile a file (or a neat ring-binder) in which you can place all documentation relating to a specific application, and which you can submit to the DFO (neat applications create a good first impression). Take all official documents you have to attach copies of with when you submit your application so that the DFO can certify your copies.

Keep certified copies of all documents for your own record, in case your application and documentation are lost. Proof of submission of application (the SAPS 523 form), does not mean the SAPS can issue any competency certificate or licence if they do not have the relevant documentation to back the application (irrespective of who lost the original copy). Under the previous Act (1969), application for firearm licences was sufficiently done by completing the application form. With the application in terms of the FCA, the CFR expects one to motivate why one would need the specific firearm. Make sure you motivate clearly for what purposes you need the firearm. Rather include too much supporting documentation than to leave out documentation you might evaluate of not being of importance.

Motivating an application for licensing a handgun just in terms of self-defence, especially when you live in a city or town, is not good enough (the SAPS say they are there to protect you).

It is strongly recommended that you join a sport-shooting club, or an association which provides for sport-shooting for its members (i.e. the National Shooting Association's Postal Target Shooting Competition). Application for a licence for a handgun is then motivated as occasional sport-shooter because of your participation in the postal shoots. If you own more than 2 handguns it is recommended you join associations like SAPSA or SADPA.

The Licensing Helpline of the National Shooting Association (012-343-3236 – office hours) will gladly be of assistance to members before final submission.

The NSA also endorses motivations for specific firearms and assists members in compilation of motivations.

### 2.5.1 Guidelines

**As guideline** to compile all relevant documentation to be submitted for application for a licence, it is suggested that you use the following list:

#### (1) Particulars of Applicant

- Certified copy of your identity book's main page with photo.



- Your full contact details i.e. physical address, all applicable telephone numbers, details of the neighbours, how far the residence is from the nearest police station and description of the general area (e.g. suburb, smallholding, farm, block of flats)
- Confirmation of the physical address where you live e.g. certified copy of electricity bill / bond statement / rates and taxes statement etc.
- A letter from your doctor confirming that you are of sound health and mind and specifically are emotionally stable.
- Confirmation & brief description of your current employment (signed by your employer if applicable)

**(2) Particulars of Spouse/Partner/Parents**

- If married, a certified copy of your spouse's identity document and a statement confirming that he/she has no objection to you obtaining this licence.
- If you share a dwelling with any third parties, a letter confirming that he/she/they has/ have no objection to you obtaining this licence.

**(3) Proficiency and Competence Certificate**

- Certified copies of your proficiency Certificate(s) which was issued by SASSETA as proof of you having complied with the requirements for the Unit Standard(s) for handgun, rifle, shotgun, whatever your particular case may be.
- A certified copy of your Firearm Competence Certificate (issued by the SA Police Service). Application for competency can be done at the same time when you apply for renewal of your firearms licence,
- The Competence Certificate requires a Proficiency Certificate from SASSETA in terms of completion of full unit standards for new licence applications and a RPL Proficiency Certificate (Unit Standard 117705) for renewal of currently owned firearms (at this stage the SAPS accepts certificates issued by training providers as the SASSETA process is very slow)

**(4) Licensed Firearms**

- List details of all your licensed firearms with complete motivation for each (rather too much than too little – anticipate all questions the evaluators may ask – i.e. calibre, why needed, what you will be shooting, why and proof of you having shot it before or that you intend to hunt or shoot it after application was successful - include photo's where you can)
- Certified copies of all your existing firearm licenses.

**Guidelines**

1. Particulars of applicant
2. Particulars of spouse/partner/parents
3. Proficiency and competency certificates
4. Licensed firearms
5. Particulars of firearm this application refers to
6. Hunting (sportsman) status
7. Motivation
8. Endorsement by club or association
9. Details of safe
10. Security status of dwelling
11. Educational qualifications
12. Testimonials

**(5) Details of Firearm i.r.o. this Application (additional to that provided in form)**

- A copy of the relevant invoice to confirm purchase of the specific firearm being applied for (if you have or if new one).
- General description of firearm, special features, market value (if significant), sentimental value (of heirloom), type of action (i.e. under lever), the barrel length, etc. (include photo)
- Detailed explanation of special features related to application (e.g. Purdey vintage gun, double rifle vs. magazine rifle and why, killing power of calibre, explanation of varminting load, wildcat loads, retro chokes).
- Illustrate with photographs including close-up details.
- A list of all intended "target" or 'quarry" species for which the specific firearm will be used, with explanations where possible (e.g. .375 needed for buffalo; 3-inch magnum special goose gun for spurwing geese).
- Supporting endorsement by recognised subject matter expert (i.e. SA Wingshooters or International Shooting Association).

**(6) Hunter/Sportsman Status**

- If you qualify, your Dedicated Hunter (sports person) certificate issued by all the associations you are a member of (attach as certified copies).

**(7) Motivation**

- A primary motivation setting out the reason why you wish to obtain the firearm and explain fully the background, and reasons. State the description or type of the firearm applied for in respect of the motivation (bearing in mind that the officials may not know the difference between a Purdey worth R 0,5 million and a Baikal worth a couple of hundred Rand). If, for instance, it is a semi-auto shotgun (you must be a dedicated hunter), motivate (e.g. recoil reasons, female shooter and attach supporting evidence from an SME (Subject Matter Expert) – thus be detailed in your technical explanation
- Provide additional and special motivation in respect of the firearm. Explain any specific and specialized technical specifications of the firearm that necessitates the acquisition. Motivate fully, supported by documentation from experts, why you need it.. Also provide in full sentimental reasons such as a family heirloom with photos.
- In the event that the specific firearm duplicates an existing firearm calibre, detailed reasons as to why such acquisition is necessary- i.e. you already own a .308 for hunting and now need one for target shooting (bench of Bisley). This detailed motivation should be supported by an endorsement from the ISA based on a report submitted by a Recognised Subject Matter Expert on Firearms & Shooting.
- Include a supporting motivation / endorsement from your club association supporting your application (not compulsory but recommended).

**(8) Endorsement by your club and association(s)**

- Confirmation of your membership of all the clubs and associations since you started hunting (sport shooting),
- Copies of membership certificates/affidavits.



- If applicable, also include the "Expert Hunter" rating certificate of other associations.
- Motivational endorsement by your association i.r.o. application.

**(9) Storage/Safe Details**

- Give a full description of your firearm safe supported where appropriate, with documentation and photographs to show its nature, type and location, how and where it is bolted to the wall and/or floor, with SABS certificate or certificate from the manufacturer/seller.

**(10) Security Details of Dwelling**

- Full details of your security facilities for example if there is an alarm, how it operates and whether it is linked to armed response; what crime is likely in your area; height of walls around the property; is there an electric fence or dogs; are there burglar bars on the windows and burglar gates on the outside doors. A series of photographs would be preferable.

**(11) Education, Training & Previous Experience**

- Details of all educational and professional qualifications that you have obtained including certified copies of any degrees / certificates for courses completed etc.
- Details of any firearm training that you may have received, supported where appropriate with certificates. Also details of accumulated experience with photos.
- A comprehensive history of your shooting and hunting career and exposure, with photographs where available (include official hunting and shooting logbooks).
- Proof that you have shot or hunted at various locations, supported by photographs or testimonials or statements from fellow hunters and or landowners, photos of medals, certificates.
- If you participated in any competitive shooting activities – proof and confirmation thereof.

**(12) Testimonials**

- Testimonial from someone who is a professional person or senior manager or acceptable public figure (such as a minister of religion) testifying to your character.
- At least two other testimonials – one from a person with whom you have hunted who can confirm that you do hunt and is safe with firearms.

**(13) Additional advice and hints**

- Print the List of Contents, and place in a ring-binder, with numbered dividers corresponding to the list of contents.
- Below the List of Contents place the completed Application Form (SAPS-271 for new licence or SAPS-517 + SAPS-517(a) for renewal of licence — downloadable from our website). Fill in the Application form with a black pen.
- Place the various documents with each divider as listed in the contents page.
- In the inside front of the folder, place the pre-filled SAPS-523 form "Acknowledgement of Receipt of Application" (also available on our website).

- When you hand in the application, make sure that you retain a signed, stamped and dated copy of this Acknowledgement form, complete with the name of the official who received your application. File this form with the application back-up file.
- Retain a complete back-up set of all documentation submitted as part of the application, each page/item certified by a Justice of Peace, to be kept in case the original application is mislaid.

## 2.5.2 Checklist

Tick each of the following points of the proposed checklist once you have completed your application to make sure you have included all relevant documentation in your application.

Include a similar list on the back of the front page of the documents folder you have prepared for submission to the DFO.

### **Completed SAPS forms (relevant to application)**

- ☐ SAPS 517 - Application for a Competency Certificate
- ☐ SAPS 271 - Licence Application Form - Licence for new firearm
- ☐ SAPS 517 + SAPS 517(a) - Renewal of existing legally owned firearms
- ☐ SAPS 523 - Acknowledgement of Receipt of Firearm Documentation (complete the form and let the DFO sign at the appropriate sections – remember the date and the official SAPS stamp)

### **Particulars of Applicant**

- ☐ Certified copy of identity book main page with photo.
- ☐ List of full contact details & description of dwelling.
- ☐ Certified copy of electricity bill / bond statement / rates and taxes bill.
- ☐ Statement by general practitioner re health of mind and body.
- ☐ Statement of current employment.

### **Particulars of Spouse/Partner/Parents**

- ☐ Certified copy of spouse's identity document & personal details.
- ☐ No objection statement by spouse.
- ☐ No objection letter from third party sharing dwelling.

### **Competence Certificate**

- ☐ Firearm Competence Certificate.

### **Licensed Firearms**

- ☐ List & details of all currently licensed firearms.
- ☐ Certified copies of all existing firearm licenses.

### **Details of Firearm i.r.o. Application (additional to form)**

- ☐ A copy of firearm invoice.
- ☐ General description of firearm & special features.
- ☐ Detailed explanation of special features related to application.
- ☐ Photographs including close-up details.
- ☐ List of "target" or 'quarry" species with explanations.

- ❑ Supporting endorsement of suitability by Subject Matter Expert (i.e. SA Wingshooters, or International Shooting Association).

#### **Hunter/Sportsman Status**

- ❑ Dedicated Hunter (sports person) certificate.

#### **Motivation**

- ❑ Primary motivation with reasons for application.
- ❑ Additional and special motivation.
- ❑ Detailed technical explanation.
- ❑ Technical validation by SME (Subject Matter Expert).

#### **Endorsement by your Association**

- ❑ Associations Membership details
- ❑ Membership certificates/affidavits.
- ❑ Endorsement from all Associations you belong to

#### **Storage/Safe Details**

- ❑ Give a full description of your firearm safe
- ❑ Documentation for Safe with photographs

#### **Dwelling Security Details**

- ❑ Full details of dwelling / residence set-up and security.

#### **Education, Training & Previous Experience**

- ❑ Educational qualifications with proof.
- ❑ Details of firearm training / experience.
- ❑ History of the shooting and hunting experience
- ❑ Hunting/shooting testimonials / statements
- ❑ Proof and confirmation of formal competitive shooting experience

#### **Testimonials**

- ❑ Testimonial

**The authors of the Gun Guide can under no circumstance guarantee the successful outcome of your licence application.**

## **2.6 LICENCE APPLICATION NOT SUCCESSFUL - WHAT NOW ?**

You apply for a firearm licence. The application is refused. Now what?

**Appeal !** No question - you **MUST** appeal and it is recommended that you do this through an attorney because of the legal procedures involved.

Firstly get the decision of disapproval in writing, with the name and rank of the official who informed you of the decision, or who took the decision not to issue the licence. The State is obliged to give a valid reason for refusal to issue a licence (see 2.16 below). Once you have this detail in writing (not verbally), contact your attorney to lodge an appeal with the Firearms Appeal Board.

If your attorney is not conversant with the ACT you can contact the Licensing Helpline of the SA Wingshooters (012-346-1220 – office hours) or of the International Shooting Association (073 105 6991 – office hours). They are able to provide you with names and addresses or lawyers who specialise in firearm issues.

### 2.6.1 Appeal Procedures

An appeal by a firearm licence applicant must be noted by the person self or by his/her legal representative **within 90 days after the date on which the CFR made the decision not to award the license**. The appeal must be entered on the prescribed form (SAPS 530 – available at the DFO's office or on the SAPS website).

An appeal notice must clearly indicate the decision that was taken by the CFR, and the date of their decision.

The grounds for the appeal must be clearly motivated. Attach written submissions in support of the appeal.

Sometimes additional information becomes available after application – submit that now, and say why it was not submitted with the original application. Don't include detail that you clearly had in your possession when you applied originally and did not include then – it makes for a bad case (but then, if it's all you have, use it). The Appeal Board may condone the late submission of an appeal notice on good cause shown by the appellant.

An appeal must be submitted to the Appeal Board by hand, facsimile or by post and must be addressed to the Chairperson of the Appeal Board at the following addresses:

Postal address: Private Bag X811, Pretoria, 0001;

Physical address: Ground Floor, Veritas Building, Volkstem Avenue, Pretoria;

Facsimile address: (012) 353 6211;84

E-mail address: cfr-appealboard@saps.gov.za.

The Appeal Board must acknowledge receipt of an appeal notice and the date of such receipt in writing, and must inform the relevant official who made the decision in question of the appeal. They will request him/her to respond in writing within 21 days as to why the appeal should not be upheld. The Appeal Board may request an appellant or the appellant's legal representative to address the Board during the hearing of that appeal. The Appeal Board may request additional evidence of facts from any party, in order to allow it to come to a just and fair decision.

The Appeal Board must finalise an appeal within 45 days after expiry of the 21 days mentioned above. The Board must notify the appellant, or his/her legal representative in writing of the outcome of an appeal, within 14 days of the Appeal Board's decision.

The Appeal Board is not a court acting under section 103 of the ACT.

### 2.6.2 Composition of Appeal Board

The Appeal Board consists of the following people: retired judge Joshua Khumalo (chairperson), advocate Sindile Majokweni, advocate Zanele Nhlanyisa and magistrate Patrick Mongwe.

## 2.7 FIREARMS IN DEATH AND INSOLVENT ESTATES

**In the case of the death of the holder of a firearm licence**, the nominated executor in the will may under authority of a permit issued in terms of section 21 of the FCA, hold the firearms of the deceased in safe keeping.

Provided that an heir of a deceased estate is already a holder of a firearm licence, s/he may apply for authorisation or a permit to be issued under the FCA to take safe custody of the firearm and ammunition in question, on condition that:

- the executor does not have the required storage facilities;
- the executor issues a letter of consent to the heir for the safe custody of the firearm,
- a copy of the letter of consent is filed with the DFO for the area where the heir resides.

**A person who inherits a firearm** must apply for an appropriate licence if s/he wishes to keep the firearm. If s/he does not wish to acquire the firearm, or fails to obtain the appropriate licence, the CFR may deactivate or dispose of the firearm(s).

The Registrar may issue a temporary authorization to allow a person who inherits a firearm a reasonable time to dispose of it, or to apply for a licence for such a firearm.

**In the case of the seizure of an estate** the appointed administrator must compile an inventory of all the firearms and ammunition of the holder of a licence within 14 days and notify the CFR of such.

The administrator may only apply to the Master of the High Court to finalise the estate after notification has been received from the CFR that all firearms involved have been transferred in terms of the ACT, or have been deactivated or destroyed.

The administrator may not hand over a firearm sold on behalf of the estate to a person unless that person is in possession of a licence to possess that specific firearm.

## 2.8 FIREARM FREE ZONES

The Minister (Safety and Security) may, after consultation, declare any premises to be a firearm-free zone, if it is in the public interest, and in accordance with the objects of the FCA.

Unless authorised to do so, no person may allow any firearm or ammunition to be in a firearm-free zone, carry any firearm or ammunition in a firearm-free zone, or store any firearm or ammunition in a firearm-free zone.

A police official may, without warrant search any building, premises, or person in a firearm-free zone if s/he has a suspicion on reasonable grounds that a firearm or ammunition may be present in the firearm-free zone.

The owner or the lawful occupier of a premise may submit an application form (SAPS 517(f)) with supporting documents and a full motivation to the relevant DFO, to have the specific premises declared a Firearm Free Zone.

A Firearm Free Zone must be clearly identified and demarcated with clearly visible notices posted at all the main entrances. Notices must at least be in English and where applicable, in the predominant local (indigenous) language. Notices must indicate the

premises as a Firearm Free Zone. The institution where the premises is declared a Firearm Free Zone must mark all correspondence to reflect this status.

## 2.9 TRANSITIONAL PROVISIONS

These provisions provide for the period of transition between the deactivation of the previous Act (1969) and the full activation of the stipulations of the FCA with all its amendments made over time.

Here are a number of important provisions that have bearing on the legal possession of firearms. These are:

- a licence which was issued in terms of the previous Act and was valid on 1 July 2004, remains valid for a period of five years, unless such licence is terminated, cancelled or surrendered (thus until 30 June 2009).
- a holder of an aforementioned licence must in a lawful manner dispose of any firearms in his/her possession that are in excess of the number that s/he may lawfully possess in terms of the ACT (see 2.1).
- any firearm not disposed of as described above may be forfeited to the State (only after 30 June 2009).
- a person declared unfit to possess an firearm in terms of the previous Act is regarded as unfit to possess a firearm in terms of the FCA.
- The holder of a licence must apply for the corresponding licence within a period determined by the Minister. This period must end before the 5 year period mentioned above, ends. Applications for the renewal of a licence which have been lodged within this period remain valid until the application is decided. Any holder of a licence who fails to apply for the renewal of his/her licence before the end of the period determined by the Minister (in this case the year schedule according to birthday months – see 2.5 above), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

## 2.10 FIREARMS AND ISSUES OF CRIMINAL LAW

The criminal and other relevant laws dictates how members of the broader society have to behave towards one another. These Acts also include sections on when, why and how an ordinary man in the street may defend him or herself with a firearm when under severe threat and when a private individual may make a so-called citizen's arrest.

The Acts that are relevant here are the Domestic Violence Act, the Act on Dangerous Weapons, and the Criminal Procedures Act.

### 2.10.1 Shooting in self defence

Unless your life is severely under threat, or people you are with stand to lose their lives, you may not use a firearm to protect yourself. Your action must be instantaneous and not pre-conceived, and must also be related and appropriate to the threat posed.

### 2.10.2 Making a citizen's arrest

This subject is even more complicated than shooting in self defence, so leave such matters for the police. Do not try to make an arrest using a firearm !

#### **Shooting in self-defence:**

This is a legal mine field !

The best is to try and avoid such situations if you can. When in doubt, don't shoot ! If you must, threaten only. But then also only with very good reason !

You may not shoot an intruder in your yard just because s/he is in the yard, or is even stealing your belongings, unless your or your own people's lives are in severe danger.

## 2.11 ADMINISTRATIVE JUSTICE AND YOUR RIGHTS

In terms of the stipulations of the Promotion of Administrative Justice Act (Act 3 of 2000), administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair. Fair administrative procedure depends on the circumstances of each case.

Any person whose rights have been materially and adversely affected by administrative action, and who has not been given convincing reasons for the action, may within 90 days request that the administrator concerned furnish written reasons for the action. The administrator must reply within 90 days after receiving the request. If an administrator fails to furnish adequate reasons for an action, it must, in the absence of proof to the contrary, be presumed that the administrative action was taken without good reason.

Where an administrator is empowered by any empowering provision to follow a procedure which is fair but different from the provisions, the administrator may act in accordance with that different procedure, but must give fair notice thereof to possibly affected parties. Any police official taking an administrative decision in terms of the ACT, which may detrimentally affect the rights of a person, must record the reasons for the decision in writing, and sign and date the specific document. Such a police officer must without delay notify the person concerned in writing of the decision stating the reasons for taking such a decision, with the date and place where the decision was taken.

You are entitled to take your case to a higher authority (e.g. high court), only once you have gone through the appeals processes of the specific department.

Do not confront anyone with a firearm in your hand!

#### **IMPORTANT:**

General advice: The issues is legally very complex and you may incur unforeseen liabilities, so if in any doubt, don't!



## ANNEXURE A

### INTERPRETATION OF DOMESTIC VIOLENCE (The Domestic Violence Act, Act 116 of 1998)

**Domestic relationship** means a relationship between a complainant and a respondent in any of the following ways:

- they are or were married to each other, including marriage according to any law, custom or religion;
- they (whether they are of the same or of the opposite sex) live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, or are not able to be married to each other;
- they are the parents of a child or are persons who have or had parental responsibility for that child (whether or not at the same time);
- they are family members related by consanguinity, affinity or adoption;
- they are or were in an engagement, dating or customary relationship. including an actual or perceived romantic, intimate or sexual relationship of any duration; or they share or recently shared the same residence;

**Domestic Violence** means:

- physical abuse;
- sexual abuse;
- emotional, verbal and psychological abuse;
- economic abuse;
- intimidation;
- harassment;
- stalking;
- damage to property;
- entry into the complainant's residence without consent, where the parties do not share the same residence; or
- any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or well being of the complainant;

**Economic abuse** includes the unreasonable deprivation of economic or financial resources.