

**FIREARMS CONTROL ACT, ACT 60 OF 2000**

**IMPLICATIONS FOR GAME RANCH OWNERS**

The following are quoted excerpts from the Act and from the Amendment Act, as well as from the Regulations (2004) for the implementation of the Act, with reference to the accreditation of Game Ranches with the Central Firearms Register (CFR).

It remains the responsibility of each Game Ranch Owner to ascertain him or herself of the whole context of the Act, the amendment Act and of the Regulations. Quoted below are those aspects of the Act that were perceived to be of importance, but the ISA cannot be certain that all relevant articles and sections of the Act and Regulations are quoted below.

**Section 20 of Act (see amendments below)**

**20 Licence to possess firearm for business purposes**

(a) A firearm in respect of which a licence may be issued in terms of this section is any firearm other than a prohibited firearm.

(b) Despite paragraph (a), a licence in respect of a prohibited firearm may be issued to a person contemplated in subsection (2) (c) but such person may only provide the prohibited firearm for use in theatrical, film or television productions and then only if the prior written approval of the Registrar has been obtained and on such conditions as the Registrar may impose.

(2) The Registrar may issue a licence in terms of this section to-

a security company;

(b) a person who is accredited to provide training in the use of firearms;

(c) a person who is accredited to provide firearms for use in theatrical, film or television productions;

(d) a person who is accredited as a **game hunter**;

(e) a person who is accredited to **conduct business in hunting**; or

(f) any person who is accredited to use firearms for such other business purpose as the Registrar may determine.

(3) A licence issued in terms of this section must specify the business purpose in respect of which it is issued.

(4) A firearm in respect of which a licence was issued in terms of this section may only be used as specified in the licence.

(5) (a) The holder of a licence issued in terms of this section may only provide the firearm for use by another person subject to such conditions as may be prescribed.

(b) A security company which holds a licence to possess a firearm for business use may only provide the firearm to a security officer in its service who holds a competency certificate.

(6) Every holder of a licence issued in terms of this section must-

(a) keep a register of all firearms in its possession containing such information as may be prescribed; and

(b) store and transport the firearms as may be prescribed.

(7) The holder of a licence issued in terms of this Act must, at the request of a police official, produce for inspection-

(a) any firearm and ammunition in its possession or under its control; and

(b) every licence issued in terms of this section.

### No. 43 of 2003: Firearms Control Amendment Act, 2003.

#### Amendment of section 20 of Act 60 of 2000 30

6. Section 20 of the principal Act is hereby amended-

(a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) a [security company] security service provider;”;

paragraph:

“(d) a person who is accredited as a **game [hunter] rancher;**” and

paragraph:

“(b) A [security company] security service provider which holds a license to possess a firearm for business use may only provide the firearm to a security officer in its service who holds a competency certificate.”.

#### Firearms Control Regulations (2004) - FIREARMS CONTROL ACT, 2000

(iii) **“conduct business in hunting”** means a licensed professional hunter who escorts a client for reward to enable such client to hunt wild animals or a licensed hunting outfitter who presents or organises the hunting of wild animals for clients;

(vi) **“game farm”** means an extensive farm that is fenced in such manner - (a) that game on land outside the fence cannot readily gain access to the land which is fenced; (b) that game cannot readily escape from the land which is fenced; and (c) on which herds of game are kept or raised for the purpose of game farming;

(vii) **“game farming”** means large scale farming operations consisting of breeding and running game on a game farm for the purpose of the game being hunted or harvested for their meat, carcasses, skins or as a trophy, against payment of a fee;

(viii) **“hunting outfitter”** means a person who presents or organises the hunting of game for reward and who is licensed as such in terms of an applicable provincial legislation;

(xvi) **“professional hunter”** means a person who offers or agrees to escort any other person for reward to hunt game and who is licensed as such in terms of applicable provincial legislation;

(xxi) **“secure locking device”** means a device that can only be opened or released by the use of an electronic, magnetic or mechanical key or by setting the device in accordance with an alphabetical or numerical combination and when affixed to a firearm, prevents the firearm from being detached from a fixed structure;

#### Accreditation of game rancher

##### Regulation 9

9. A person who applies for accreditation as a game rancher, as contemplated in section 20(2)(d) of the Act, must, in addition to the relevant information required by regulation 2 (*see below*), submit –

(a) proof of -

(i) legal ownership of a game farm or, other sole legal occupation or access for the purpose of game farming to a game farm, on which game farming is being conducted and which game farm serves as the game farm to which the accreditation will apply;

(ii) actual personal involvement in the game farming activities conducted on the applicable game farm;

(iii) registration in terms of applicable provincial nature conservation legislation that the game farm on which the game farming is being conducted is either exempted from the provisions relating to hunting in that province or that the game farm is sufficiently fenced in for the purpose of hunting as provided for in the provincial nature conservation legislation applicable to the farm, as the case may be; and

(iv) the actual need to be accredited as a game rancher.

(b) a description of the security measures regarding the safe handling, storage and transport of firearms to be used in conducting such business; and

(c) proof of membership of a game farmers’ association or organisation which, to the satisfaction of the Registrar has the primary bona fide object to promote responsible game farming.

**General provisions relating to accreditation**  
**Regulation 2**

2. (1) An applicant requiring accreditation for a purpose contemplated in the Act, must apply to the Registrar for such accreditation.

(2) An applicant referred to in subregulation (1), must submit the duly completed relevant application form, prescribed in Annexure "A" together with any required supporting documents, to the relevant Designated Firearms Officer.

(3) The application form must be completed in black ink by the applicant personally or, in the case of a juristic person, by the responsible person contemplated in section 7(1) of the Act who must be nominated in writing by the juristic person to act on behalf of the juristic person.

(4) When an applicant is a juristic person, the Registrar may require from the applicant any information regarding any aspect required on the prescribed form also of any person who is in control of the juristic person or is responsible for the management thereof.

(5) The information requested by the Registrar under subregulation (4) must be supplied by the person concerned personally on the form required by the Registrar.

(6) When required by the Registrar, an applicant referred to in subregulation (1), must provide a set of fingerprints and an authenticated copy of the identity document of the applicant, if a natural person, or, in the case of a juristic person, of the responsible person and any person who is in control thereof or is responsible for the management thereof.

(7) In deciding whether an applicant qualifies for accreditation under the Act, the Registrar must take into account any relevant factor that reflects on the applicant, if a natural person, or, in the case of a juristic person, of the responsible person and every person who is in control of, or is responsible for the management of the juristic person regarding -

- (a) trustworthiness and integrity;
- (b) the suitability to perform the relevant functions in terms of the Act;
- (c) the capacity to serve the purposes of the accreditation;
- (d) the capacity to advance the purposes of the Act as referred to in section 2 of the Act; and
- (e) a written report compiled by the relevant Designated Firearms Officer, as well as, any written submissions by the applicant to such report.

(8) In deciding whether an applicant fulfils the criteria referred to in subregulation (7), the Registrar may also take into account, where applicable -

- (a) the infra-structure of the applicant;
- (b) any relevant qualifications of the applicant or his or her employees;
- (c) the time period of the applicant's existence or functioning;
- (d) the main purpose of the applicant, and the applicant's interest and experience in the applicable field for which accreditation is applied for;
- (e) the code of conduct or ethical code of the applicant, and any disciplinary code or measures applicable to the members or employees of the applicant;
- (f) the constitution of the applicant;
- (g) the number of paid-up members and the conditions required to become a member of the applicant and maintain or forfeit membership;
- (h) any organisational affiliation of applicant;
- (i) the intent of the applicant to fulfil the purpose of the accreditation;
- (j) any interest or conflict of interest which may render the applicant unsuitable for accreditation;
- (k) the intent of the applicant to promote the purposes of the Act referred to in section 2 of the Act;
- (l) the region that the operations or functions of the applicant covers;
- (m) any other fact that will in the Registrar's opinion be relevant to ascertain the suitability for accreditation; and
- (n) written representations by any other person in support of the application.

(9) The Registrar may refuse an application for accreditation if, on information at his or her disposal, it is shown that the applicant does not qualify to be accredited or when the responsible person or any controlling or managing person referred to in subregulation (4) would be disqualified to be issued with a competency certificate in terms of section 9(2)(a), (c) to (p) of the Act.

(10) The Registrar must record in the Central Firearms Register referred to in section 125(1)(g) of the Act, the information required in the forms prescribed in Annexure A.

(11) The Registrar may only cancel an accreditation under section 8(3) of the Act if the Registrar has followed the procedure, read with the necessary changes, to that set out in section 102(2) to (4) of the Act.

(12) (a) An applicant who was accredited in terms of the Act, must annually, before the 31<sup>st</sup> day of December of that year and annually thereafter submit to the Registrar a written report in respect of any person who -

(i) holds a competency certificate, licence, permit, or authorisation issued under the Act;  
 (ii) is a member of or is employed in the business of the accredited person or juristic person, as the case may be; and  
 (iii) had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition specified on a licence issued to the applicant under the Act, or conduct contemplated in section 102(1), section 103(1) or 103(2) of the Act.

(b) The report must list the full names and the identification number of the person concerned, particulars of the competency certificate, licence, permit or authorisation and of the disciplinary transgression and the result of the disciplinary action.

(13) (a) A juristic person accredited for a purpose contemplated in the Act must notify the Registrar in writing within 30 days if there is a change of any person who is in control of or is responsible for the management of the juristic person.

(b) The Registrar may on receipt of a notification referred to in paragraph (a) request any particulars referred to in subregulation (4) regarding a person who acquires control of or is responsible for the management of the juristic person referred to in paragraph (a).

(c) Nothing in this regulation must be construed as granting to the Registrar any power or authority whatsoever to determine the control or management of such a juristic person by any specific person: However, if the juristic person appoints a person who is in control of or is responsible for the management thereof and such appointment has the effect that the criteria referred to in subregulation (7) are no longer complied with, the Registrar may invoke the procedures prescribed in regulation 2(11).