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### **Comments : Proposed Amendments to the Firearms Control Regulations, 2004**

Dear Sirs

I have the following comments on the proposed Amendments to the Regulations created in response to the Firearms Control Act having been amended.

#### **1. Issues raised by the Amendment Act, which are not covered by the Amended Regulations.**

##### **Cap & Ball Revolvers**

The Firearms Control Act of 2000 defined "Antique Firearms" in such a way as to make all black powder non-cartridge firearms legal to own without any type of licence or competency certificate. The Amendment Act requires owners of muzzle loading rifles to obtain a competency certificate, and it makes the so-called "**cap & ball**" revolvers **subject to licencing** like any other revolver.

I commented on the absurdity of this in my comments on the Amendment Act.

In the period when "cap & ball" revolvers were legal, **thousands were sold**. I even know of people who imported these revolvers directly from Italy, all fully legally and above board.

The Amended Regulations make no mention of how these firearms are going to be re-licenced. Because they were (and currently still are) legal to own without any paperwork, no records of these firearms exist.

Are these revolvers going to be regarded as "once legal, always legal"? Are the owners going to be asked to volunteer to licence them? Or maybe hand them in for destruction?

Or are we just going to ignore the problem and hope that a few thousand currently legal, soon to be **illegal firearms are just going to disappear**? Because disappear they will, but not into thin air.

### **Collecting of Restricted Firearms**

The Firearms Control Act defines Restricted and Prohibited firearms as such (briefly) :

Restricted : Semi-Automatic rifle or shotgun

Prohibited : Fully-Automatic firearm

The current regulations contain guidelines governing the collectability of prohibited firearms. However, I note that the Amended Regulations now lump restricted and prohibited firearms together in terms of collectability (paragraph 15, 15 (a), 15 (b) – five places).

In effect, the Amended Act is turning all Restricted Firearms into Prohibited Firearms when it comes to collectors.

The drafters of both the Act and the Regulations seem to be morbidly afraid of semi-automatic rifles and shotguns, which is strange, since semi-automatic pistols with high firepower are fully legal and used by the police service, security companies and private individuals. (A semi-automatic pistol takes 10 or sometimes up to 15 cartridges, a semi-automatic shotgun typically takes only three or four).

This is a very good example of the **Regulations overriding the Act**. The Act allows collectors to collect semi-automatic rifles and shotguns in theory, while the Regulations makes it **unreasonably difficult to do so in practice**.

### **Safe Custody of Restricted and Prohibited Firearms**

The new Paragraph 86 (13) stipulates how Restricted and Prohibited Firearms are to be stored in an inoperable state in accordance with Paragraph 17 (3A). Careful reading of Paragraph 86 (13) shows that only one of the six methods given is required, which is as it should be, since the specific method chosen would be based on the type of firearm in question (it is clearly impossible to perform all six operations simultaneously on one firearm).

I think that the "or" at the end of the first subsection (e) is not sufficient to highlight this, and that Paragraph 86 (13) should be amended to read "... one of the following reversible non-damaging procedures ...".

## **2. Shortcomings of the current Regulations that need to be amended.**

**Competency** : Paragraph 14 (1) (e) states that a competency certificate may be denied if someone had been **reported for allegedly threatening violence**. Surely this should read "found guilty of threatening violence"? Should people not be considered innocent until proven otherwise? Or is this just another stepping stone on the way to a police state?

**Competency** : Paragraph 14 (5) (a) allows the Registrar to terminate the competency certificate of a South African citizen living abroad. How does the place where you live determine whether you are competent or not? How is this justified? Let's face it, the competency will lapse in its own time if the person in question does not visit South Africa regularly enough to renew said competency.

## **3. General Proofreading.**

Paragraph 94 (2) was unclear even before these amendment – too many "together with" clauses. The amendment "and in the case of a firearm and ammunition" should read "firearm **or** ammunition". The second "together with" should be "and".

The addition of the term "muzzle loading firearm" to the Regulations leads to many instances where a comma or the words "and" or "or" are required to make the intent of the Regulations clear. Paragraph 37 (1) is one example. It is clear that extensive proofreading is required before these Regulations can be tabled.

Regards

Wouter de Waal