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Firearms Guidelines – April 2022

South Africa has an inclusive firearms-control regulatory system in place that consists of the Firearms Control Act of 2000 (FCA) as well as its subsidiary legislation, the Firearms Control Regulations (FCA Regulations). These two laws came into effect in 2004. The National Commissioner of the South African Police Service (SAPS) is the designated regulatory authority and also functions as the National Commissioner of the Registrar of Firearms (the Registrar).

The Firearms Control Act 60 of 2000 was put in place to establish a comprehensive and an effective system of firearms control and to provide for all matters connected therewith. The right to possess a firearm is not guaranteed by law in South Africa. The FCA in fact imposes a general ban on the possession of firearms except in limited circumstances, and then firearms may only be possessed with a license, permit, or authorisation issued under the provisions of the FCA.

In recognising that a number of Owners, visitors, tenants and guests are legal owners of firearms, the Ndlovumzi Management Committee would like to draw all owners, visitors, tenants and guests attention to the following guidelines in order that any firearms be appropriately and safely managed while on Ndlovumzi Nature Reserve.

- All owners, visitors, tenants and guests bringing a firearm onto Ndlovumzi Nature Reserve **MUST** adhere to the prevailing laws applicable to firearms.
- Commercial Lodges on Ndlovumzi Nature Reserve are required to ensure that appropriate storage facilities are installed and made available to guests for the duration of their stay.
- Owners who have visitors or guests visiting their camp **MUST** ensure that any firearms are suitably stored in accordance with the law.
- Carrying of firearms within the confines of Ndlovumzi Nature Reserve, especially to the public areas such as the Lookout Point and Flip-se-Dip, is strongly **discouraged**.
- In the event of visiting another property, permission to carry a firearm **MUST** be obtained from the property owner **BEFORE** bringing a firearm onto that property.
- In the event of a firearm being discharged, then the Reserve Manager **MUST** be notified within 24 hours. If the Reserve Manager is not available, then **ANY** member of the Committee must be notified.
- These guidelines are a subset of the full requirements relating to the possession and use of Firearms in South Africa. The onus remains with all owners, visitors, tenants and guests to familiarise themselves with the law as it applies to the ownership and use of firearms in South Africa.
- The Committee accepts **NO** responsibility relating to firearms.

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Please take Note of the following:

- It is a crime to have in your possession a firearm unless you hold, for that firearm, a current licence, permit or authorisation.
- It is an offence to cause bodily injury to any person, or cause damage to property by negligently using a firearm, or an air/gas gun.
- It is also an offence to discharge (or otherwise handle) a firearm or an air/gas gun:
 - in a manner likely to injure or endanger the safety or property of any person; or
 - With reckless disregard for the safety or property of any person.
- If you have control of a loaded firearm or an air/gas gun in circumstances where it creates a risk to the safety or property of any person, you commit a crime if you do not take reasonable precautions to avoid the danger.
- It is an offence to handle a firearm or an air/gas gun while under the influence of a substance which has an intoxicating or a narcotic effect.
- If you give control of a firearm or an air/gas gun to a person whom you know (or ought reasonably to have known) to be mentally ill, or to be under the influence of a substance which has an intoxicating or a narcotic effect, you commit a criminal offence.
- It is an offence to point any firearm or air/gas gun at any other person, whether it is loaded or not, and whether it is capable of being discharged or not, without good reason.
- It is an offence to discharge a firearm or air/gas gun in a built-up area, or any public place, without good reason to do so.
- It is an offence if you do not lock away a firearm, in a safe or strongroom, when it is not carried on the person or is not under your direct control.
- It is an offence to carry a firearm in a public place unless:
 - in the case of any other firearm, in a holder designed for carrying the firearm;
 - the firearm is completely covered; and
 - The person carrying the firearm must be able to exercise effective control over it.
- If a person loses a firearm as a result of his own negligence, he commits an offence.
- An offence is also committed if he is dispossessed of a firearm, owing to his failure to:
 - lock the firearm away in a prescribed safe or strongroom;
 - take reasonable steps to prevent the loss or theft; or
 - Keep the keys to such safe or strongroom.
- If you are licensed, or were in possession of or had control of a firearm when it was lost, stolen or destroyed you must report it to the police station nearest to the place of the occurrence within 24 hours. If you do not do so, it is a criminal offence.

Keeping a gun on your property

The Firearms Control Act explicitly states **that leaving a firearm unattended is dangerous and irresponsible**. According to the Act, a firearm or ammunition must be stored in a gun safe whenever it is not under the **direct control of the license holder**. You may not leave a firearm **unattended**, and you may not store a firearm with someone else without written permission from the designated firearms officer.

- On successful application for a firearm licence, you have to install a firearm safe according to SABS standards within 14 days. Your premises will be inspected to ascertain whether you have met this requirement before you may take possession of your firearm.
- Make sure about the laws that determine gun safe requirements in South Africa and that the safe is installed correctly before the inspection. **The correct type of safe**, designed to store handguns and ammunition, must be mounted to a solid brick wall or concrete floor by at least two M10 x 80 anchor bolts while a safe designed for storing rifles and ammunition and should be mounted using at least four M10 x 80 anchor bolts.
- A gun safe must be **SANS 953-1** approved to comply with the minimum required standard. A safe that is SABS approved as a gun safe under a type B category, will already comply with the minimum requirements as set out by the SABS.

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Air Guns and Gas Guns

Although air guns and gas guns do not require a firearm licence in South Africa certain provisions in the FCA treat the use and ownership of air guns and gas guns the same as for firearms. **Some of these offences listed in the FCA which apply to air guns and gas guns include:**

- Causing bodily injury to any person or damage to property by negligently using an air/gas gun.
- Discharging or otherwise handling an air/gas gun in a manner with reckless disregard or likely to injure or endanger the safety or property of any person.
- Having control of a loaded air/gas gun in circumstances where it creates a risk to the safety or property of any person.
- Handling an air/gas gun while under the influence of a substance which has an intoxicating or a narcotic effect.
- Giving control of an air/gas gun to a person known to be mentally ill or under the influence of a substance which has an intoxicating or narcotic effect.
- Point an air/gas gun, whether or not it is loaded or capable of being discharged, at any other person, without good reason.
- Discharge an air/gas gun in a built up area or public place.

Source: <https://firearms.co.za/>