

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 531 OF 2018

NOTICE OF INTENT TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE PROPOSED FIREARMS CONTROL BILL, 2018

Dr Petrus Johannes Groenewald, MP acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Firearms Control Amendment Bill, 2018 (“the Bill”) in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

The Constitutional Court in the matter of *Minister of Safety and Security v South African Hunters and Game Conservation Association [2018] ZACC 14* found that section 24 of the Firearms Control Act, 2000 (Act No. 60 of 2000) (“the Act”) is constitutional. What was however not considered by the Court is the fact that the Act does not provide for any method by which the failure to apply for renewal of a licence at least 90 days before the expiry of that licence - which requirement is administrative in nature - can be remedied.

The Bill seeks to provide an administrative solution where a person failed to timeously apply for renewal of a licence for a firearm: Such failure will attract an administrative fine. The control of firearms is however integral to enhance safety and security and to balance this interest, the Bill provides for grace periods in which to apply for renewal.

The Firearms Control Amendment Bill, 2018 provides for the following:

- An amendment to section 24 to allow grace periods in which to apply for renewal:
 - o The holder of a licence may apply for a renewal of that licence before expiry of the licence, despite not having applied 90 days before the expiry of the licence as is currently required. This first grace period will however attract an administrative fine not exceeding R500 to serve as deterrent to late applications.
 - o The holder of a licence may apply for a renewal of that licence within 90 days after the expiry of the licence. This second grace period will however attract an administrative fine not exceeding R1,000 to serve as deterrent to late applications.
 - o If the holder of a licence did not apply during either of the two grace periods above, a further 30 days is provided to make an application for renewal. However, during this period the holder of the licence must hand his or her firearm, and any ammunition, to a dealer (for the cost of the firearm owner) or to a Designated Firearms Officer, who must store the firearm and ammunition until the holder of the licence can show proof of an application for a renewed licence. This third grace period also attracts an administrative fine not exceeding R1,500 to serve as deterrent to late applications.

During these three grace periods the licence remains valid (first grace period), or is deemed valid (second and third grace periods), until the application is finalised. Neither the lateness of the application, nor the administrative fine will disqualify the holder of the licence from succeeding with the renewal application.

- an amendment to sections 106 and 107 so that proof of an application for renewal of a licence will also suffice in the event of an inspection or request of a police official or authorised person.
- a transitional provision making the above grace periods available to all licences issued before the commencement of this proposed Amendment Act
- a transitional provision providing for the situation where the licence will expire in 90 days or less after the commencement of the proposed Amendment Act, or has already expired before such commencement. In these instances, holders of licences are required to make an application for renewal within 90 days of such commencement subject to an administrative fine of R500. The lower administrative fine is a once off opportunity to encourage holders of expired licences, or of licences about to expire, to renew those licences. It also takes into account that there was confusion because of various court proceedings related to renewals.

The Bill may, after introduction, be obtained from:

The Freedom Front Plus, PO Box 15, Cape Town, 8000

Attention: Dr PJ Groenewald

Telephone: 021 403 3489; Facsimile: 021 465 5861; E-mail: wanda@vfplus.org.za

Interested parties and institutions are invited to submit written representations on the draft bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town or mailed to the Speaker, PO Box 15, Cape Town 8000 or e-mailed to speaker@parliament.gov.za and copied to wanda@vfplus.org.za