

CHAPTER 5

Chapter 5 Competency Certificates (Sections 9-10) Act 60 of 2000

Quoted directly from the Chapter and sections of the Act

9. Application for competency certificate

1. An application for a competency certificate to possess a firearm, to trade in firearms, to manufacture firearms or to carry on business as a gunsmith must be delivered to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant's business is or will be situated, as the case may be.
2. Where a person has not previously obtained a competency certificate, a competency certificate may only be issued to such person if he or she-
 - (a) is 21 years or older on the day the application is received by the Designated Firearms Officer;
 - (b) is a South African citizen or a holder of a permanent South African residence permit;
 - (c) is a fit and proper person to possess a firearm, to trade in firearms, to manufacture firearms or to conduct business as a gunsmith, as the case may be;
 - (d) is of stable mental condition and is not inclined to violence;
 - (e) is not dependent on any substance which has an intoxicating or narcotic effect;
 - (f) has not been convicted of any offence under or in terms of this Act or the previous Act and sentenced to a period of imprisonment without the option of a fine;
 - (g) has not been convicted, whether in or outside South Africa, of an offence involving the unlawful use or handling of a firearm by him or her or another participant to the offence, whether committed in or outside South Africa;
 - (h) has not been convicted, whether in or outside South Africa, of an offence involving-
 - (i) violence or sexual abuse, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine; or
 - (ii) physical or sexual abuse which occurred within a domestic relationship as defined in section 1 of the Domestic Violence Act, 1998 (Act 116 of 1998), whether committed in or outside South Africa;
 - (i) has not been convicted of fraud in relation to, or supplying false information for the purposes of, obtaining a competency certificate, licence, permit or authorisation in terms of this Act or the previous Act;
 - (j) has not been convicted, whether in or outside South Africa, of an offence involving the abuse of alcohol or drugs, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine;

(k) has not been convicted, whether in or outside South Africa, of an offence involving dealing in drugs, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine;

(l) has not been convicted of an offence in terms of the Domestic Violence Act, 1998 (Act 116 of 1998), and sentenced to a period of imprisonment without the option of a fine ([click here](#));

(m) has not been convicted of an offence involving the negligent handling of a firearm;

(n) has not been convicted of an offence in terms of the Explosives Act, 1956 (Act 26 of 1956), and sentenced to a period of imprisonment without the option of a fine;

(o) has not been convicted, whether inside or outside South Africa, of an offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing, whether committed in or outside South Africa;

(p) has not become or been declared unfit to possess a firearm in terms of this Act or the previous Act;

(q) has successfully completed the prescribed test on knowledge of this Act;

(r) has successfully completed the prescribed training and practical tests regarding the safe and efficient handling of a firearm; and

(s) has, where applicable, successfully completed the prescribed training and practical tests for firearms dealers, manufacturers, gunsmiths, security officers or other persons who use firearms in the course of their business.

3. Any offence referred to in subsection (2) includes any conspiracy, incitement or attempt to commit such offence, and means an offence in respect of which-

(a) a court has not made a determination that the person is not unfit to possess a firearm despite the conviction; and

(b) the sentence has been complied with less than five years before the application for a competency certificate was received by the Designated Firearms Officer.

4. The disqualification contemplated in subsection (2) (p) ends upon the expiry of a period of five years calculated from the date on which the person became or was declared unfit, or the expiry of the period for which the declaration is valid, whichever occurs first.

5. (a) Despite subsection (2)

(a), the Registrar may allow a person under the age of 21 years to apply for a competency certificate if there are compelling reasons which require the person to obtain a competency certificate or

licence to possess a firearm.

(b) Compelling reasons contemplated in paragraph (a) may include the fact that the applicant conducts a business, is gainfully employed, a dedicated hunter, a dedicated sports person or a private collector.

6. (a) Where a person has previously obtained a competency certificate, a further competency certificate may only be issued to such person if he or she satisfies such requirements as may be prescribed.

(b) The requirements contemplated in paragraph (a) may not be more onerous than those applicable to a person who has not previously obtained a competency certificate.

10. Competency certificate

1. A competency certificate must specify-

- (i) possess a firearm;
- (ii) trade in firearms;
- (iii) manufacture firearms; or
- (iv) conduct business as a gunsmith; and

(a) whether it relates to competency to-

(b) all the relevant tests successfully completed by the holder.

2. A competency certificate lapses after 10 years from its date of issue (except if you only have one handgun for self defence - then that competency expires every 5 years with your licence).

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