

LAWS AROUND THE PERSON

GUN CONTROL



TO GET YOU THINKING**RUGBY PLAYER SHOOTS AND KILLS DAUGHTER BY MISTAKE**

Former Springbok rugby player Rudi “Vleis” Visagie was arrested on Sunday after his daughter was allegedly mistaken for a car thief and shot dead, Mpumalanga police said on Monday.

According to Captain Benjamin Bhembe, Visagie and his wife Frieda were asleep at home at their plot in Maggiesdal, outside Nelspruit, when his wife woke up early on Sunday morning shouting that someone was trying to steal their daughter’s car.

The car was moving out of the gate and Visagie took his firearm and shot at the car.

“They were so shocked to find out that it was their own daughter,” he said.

**QUESTIONS TO CONSIDER**

There are two violations of South Africa’s gun law in this story. Can you identify which two they are?

What lawful course of action could Rudi Visagie rather have taken?

Article extract from: [Dad mistakenly shoots daughter](#)

Extra resources on this topic: [‘You can’t take that bullet back’](#), [Gun owner negligence](#), [The politics of gun control in SA](#)

DID YOU KNOW?

In 2013/2014, civilians lost or had stolen from them, 18 guns a day; police lost or had stolen 2 guns a day. That means:

IN ONE DAY**20 GUNS ARE LOST OR STOLEN****IN ONE WEEK****140 GUNS ARE LOST OR STOLEN****IN ONE MONTH****620 GUNS ARE LOST OR STOLEN****IN ONE YEAR****7200 GUNS ARE LOST OR STOLEN**

As of March 2015 there were

1.8 million licensed civilian gun owners in South Africa.



OUT OF A GROUP OF 100 PEOPLE 3 OWN A GUN

Just over 3 million firearms are registered to civilians, translating into a ratio of

5.9 GUNS PER 100 PEOPLE

This is a 14% drop from 1999, when 3.5 million guns were registered to civilians, which is a ratio of

8.3 FIREARMS FOR EVERY 100 PEOPLE

YOU ARE 4X MORE LIKELY

to have your gun used against you than to be able to use it successfully in self-defence.

DEFINITIONS

WHAT IS GUN CONTROL?

Gun control (or firearms regulation) is the set of laws or policies that regulate the manufacture, sale, transfer, possession, modification or use of firearms by both civilians and the state.

Source: Wikipedia

WHAT IS THE FIREARMS CONTROL ACT (FCA)?

This is the law regulating gun ownership in South Africa.

Before the FCA took effect in 2004, there were an estimated 4.5 million registered firearms in South Africa, of which around 3.5 million (78%) were held by individuals. Around 190,000 licenses were issued annually from 1994 through 1999, and over 13,000 individuals had more than ten firearms to their name.

Source: Firearms Control Act reduces guns

WHAT IS A FIREARM LICENCE?

This is an up-to-date licence issued by SAPS. It is only issued after the applicant has passed a series of tests which show that they know and understand the gun law in South Africa and that they are responsible citizens. So the applicant has to prove that they are responsible and fit to own a gun and the government has the authority to decide based on the tests and other evidence if the applicant is a 'fit and proper' person to own a gun and then has the authority to grant or deny the issuing of a licence.

WHAT IS A LEGAL GUN?

A legal gun in South Africa is a gun that is licensed by the SAPS to an individual gun owner. An ordinary person is allowed to own a maximum of four guns.

WHAT IS AN ILLEGAL GUN?

An illegal gun is any gun that is produced, transferred, held or used in violation of a national or international law. Most guns start off their life as a legal gun. Legal guns become illegal when they are stolen from the legal owner, lost by the owner, and bought on the illegal market.

WHAT IS A GUN FREE ZONE?

A Gun Free Zone is a space in which no guns are welcome or allowed. It limits who can carry a gun where. There are different types of Gun Free Zones; some Gun Free Zones are enforced through the use of metal detectors and providing safe storage, while others are enforced through community buy-in and trust.

- In South Africa, private guns are prohibited, by law, in government buildings according to the Firearm Control Act of 2000.
- In South Africa, legal gun owners can carry their gun publicly as long as it is partially or completely covered and in a gun holster.

WHAT IS A GUN AMNESTY?

A gun amnesty means that people who are in possession of an illegal gun can hand the gun in to the police without being prosecuted. It also means that someone who no longer wants their legal gun can also hand it into the police. The Minister of Police and Parliament have to give permission for a gun amnesty to be held and they usually decide on the conditions of the amnesty and on the time period. South Africa has held several successful amnesties over the last twenty years.

Source: Gun Free South Africa



While it is a right to own a gun in some countries, it is not a right in South Africa, it is a privilege



The law refers to a gun as a firearm

WHO CAN APPLY FOR A GUN LICENCE?

- Any person who is 21 years and older
- A South African citizen or a holder of a permanent South African residence permit

TESTS TO OBTAIN A GUN LICENCE

- A gun owner must undergo gun training at an accredited institution and then obtain a competency certificate
- The competency certificate is valid for five years and must be valid at the time of applying for the licence
- A competency certificate is needed to apply for a gun licence at a police station
- A competency certificate will be denied if the applicant:
 - has a history of violence
 - has a criminal record
 - has a substance abuse problem
 - has a sexual abuse/domestic violence conviction
 - has used a firearm negligently
 - has been declared unfit to possess a gun
 - has had a final protection order been issued against them (this is in terms of the Domestic Violence Act)
 - is under 21 years of age

CONDITIONS OF A GUN LICENCE

- A gun licence must be renewed at least 90 days before the expiry date on the current licence.
- All gun licences must be renewed every:
 - two years for business purposes
 - five years for self-defence
 - ten years for hunting or sports shooting
- A licence is needed for every gun owned
- A gun owner must inform the Designated Firearms Officer (DFO) within 30 days of any change in personal details, such as a change in address
- A gun owner must inform the Registrar (National Police Commissioner) of theft or loss of a licence within 24 hours. A new copy of the licence can be applied for within 7 days of the loss. The Registrar is in charge of the Central Firearms Registry which is the central record-keeping centre for SAPS on everything to do with firearms.

It is important to follow the entire process of gun licensing, step by step. If an applicant skips any step in the process, or lies about information, he/she could face criminal charges.

LICENCE TO POSSESS

- There are several different gun licences which include:
 - licence to possess a gun for self-defence,
 - licence to possess a gun for occasional hunting and sports-shooting and
 - licence to possess a gun for business purposes
- Civilians cannot own fully automatic weapons. A semi-automatic weapon fires one shot every time the trigger is pulled. An automatic weapon fires continually until the trigger is released. **Automatic weapon.**
- Police have the right to inspect gun licences and permits, and must clearly identify themselves when making such a request. The holder of the licence or permit has seven days in which to produce the licence or permit.
- Police also have the right to inspect the premises of a dealer, manufacturer, gunsmith or holder of an import/export licence, as well as the place of business or vehicle of a transporter or firearms/ammunition, or premises of an institution which allows its employees to use firearms.

WHAT ARE THE RESPONSIBILITIES OF A GUN OWNER?

OFFENCE	WHAT THE LAW SAYS
<p>Keeping or using someone else's gun</p>	<p>A gun must be under the direct control of the gun owner.</p> <p>The Firearms Control Act states: "When a firearm is not under the direct personal and physical control of a holder of a licence, authorisation or permit to possess the firearm, the firearm and its ammunition must be stored in a safe or strong room that conforms to the prescripts of SABS Standard 953-1 and 953-2, unless otherwise specifically provided in these regulations."</p>
<p>Buying a gun from someone who is not a licensed gun dealer</p>	<p>Nobody may trade in firearms or ammunition without a dealer's licence.</p> <p>A dealer's licence is issued only to persons who hold a competency certificate to trade in firearms and ammunition.</p>
<p>Not reporting a stolen or lost gun to the police</p>	<p>If a gun is lost or stolen from the licensed gun owner, or the gun owner's documents are damaged, the gun owner must report this to the police.</p>
<p>Owning more than 200 rounds of ammunition</p>	<p>Licensed gun owners may only own 200 rounds of ammunition for each gun he/she owns and can only have ammunition that is suitable for that particular gun. (This does not apply to dedicated hunters or sports people.)</p>
<p>Pointing a gun at someone is an offence</p>	<p>The offender can be fined or face imprisonment.</p>
<p>The police can use their gun whenever they want to</p>	<p>Members of official state institutions, such as the South African Police Service or Defence Force, do not have to follow many of the rules that apply to ordinary gun owners. Even so, they have a duty to use their guns in a controlled manner:</p> <ul style="list-style-type: none"> • when on duty, they must carry a handgun in a proper holster • at the end of a period of duty, they must return their firearms to the designated place of storage • when traveling with a firearm, they must carry the firearm in a secure place <p>There are certain circumstances when an employee of a state institution may have special permission to:</p> <ul style="list-style-type: none"> • have the firearm in their possession after working hours • store the firearm at their home and/or • carry the firearm outside the premises of their work place <p>Note, the above situations are not the norm, and require special permission.</p>

WHAT ARE THE RESPONSIBILITIES OF A GUN OWNER?

OFFENCE	WHAT THE LAW SAYS
Keeping just the ammunition or parts of a gun	No person may own firearm parts, such as a slide or bolt, unless they have a licence for the firearm that uses that part, or if they have a dealer's, manufacturer's or gunsmith's licence or import/export-in-transit permit.
If you are aware that a firearm is illegally owned and do not report it to the police	The offender could face a fine or imprisonment.
If you give control of a gun to anyone who is mentally ill, or under the influence of drugs or alcohol	The offender could face a fine or imprisonment.
If a gun owner does not store the gun in a safe and secure place	The offender could face a fine or imprisonment.
If an aspect of a gun certificate, licence or permit is deliberately changed	The offender could face a fine or imprisonment.
Using a licence or permit falsely in order to take ownership of a firearm	The offender could face a fine or imprisonment.
Providing false information on a gun application form	The offender could face a fine or imprisonment.
Walking with a gun exposed so that everybody can see it	The offender could face a fine or imprisonment.
A gun owner can shoot at someone who they think is a threat	The gun owner must be in a situation where he/she feels that their life is immediately and directly threatened in order to shoot.

Source: Summary of the Firearms Control Act

**FOR MORE
INFORMATION**

E-MAIL
firearms@saps.org.za

SAPS NATIONAL FIREARMS CALL CENTRE
(012) 353 6111

Firearms Control Act

TO GET YOU THINKING**BOY, 10, KILLS FRIEND WITH DAD'S GUN**

Mahikeng - A 9-year-old boy has been killed after his 10-year-old friend accidentally shot him while playing with his father's gun in Khuma, Stilfontein, North West police said on Monday.

"Three children were playing with a toy gun when the 10-year-old boy took his father's licensed firearm from beneath the mattress, and a few minutes later the shot went off and instantly killed the 9-year-old boy," Sergeant Kealeboga Molale said.

The incident occurred on Friday around 16:00. An inquest docket was opened and the 10-year-old's father was arrested, Molale said.

The man, aged 53, would appear in the Stilfontein Magistrate's Court on Monday for contravening the Firearms Control Act by allegedly failing to lock his firearm in a safe.

**QUESTIONS TO CONSIDER**

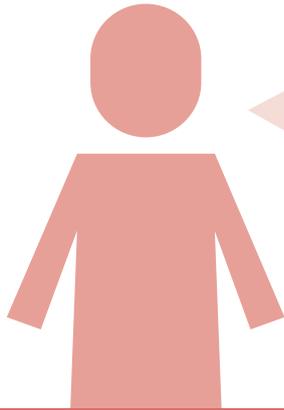
What violations of gun ownership can you identify in this story?

How could the father have obeyed the law?

Article extract from: [Boy shoots friend with Dad's gun](#)

EXTRA RESOURCES ON THIS TOPIC:

- > **Illegal firearms fuel crime**
- > **The problem of illegal guns**
- > **Stricter gun laws curbs violent crime**
- > **Police guns 'lost' and used in crime**
- > **Legal guns stolen and used in crime**



‘The only times I have touched a gun have been when a stranger held one to my head. It’s happened to me three times. Last time I thought, three strikes and you’re out. Yet here I am. I know I can’t survive it again. So I really hope that’s it. I am not a fearful person but I am petrified of guns. I think that’s a sensible way to feel.’

GUN VIOLENCE SURVIVOR

DIFFERENT WAYS TO TALK ABOUT GUN CONTROL

These questions can help guide your radio shows and outreach.

They are like angles to the bigger topic of gun control.

You have many examples of how to develop your outreaches and radio shows from previous guides. Use them to expand on some of the angles below.



Gun control refers to policies and laws established to regulate the manufacture, sale and use of firearms. Do you think gun laws in SA are sufficient? What changes to gun laws would you propose? Why?



From your understanding of gun violence in your community, who would you focus on educating and informing about gun controls and laws? Why?



When you know the law, you are more likely to obey it and to protect yourself and others.



Which places and spaces in your community do you think should be gun free zones? What are some of the social motivating factors behind negligent gun use in your community?



Is the language used in gun policy accessible? Would unclear language limit those affected by gun violence from having mobilizing conversations within their communities?