

**OPINION REGARDING THE NUMBER OF CARTRIDGES
A PERSON MAY HAVE IN HIS/HER POSSESSION
IN TERMS OF THE FIREARMS CONTROL ACT 60 OF 2000 (“the Act”)**

1 This opinion has been drafted in response to the notion that a dedicated hunter, dedicated sports person or a professional hunter is only allowed to possess more than 200 cartridges of ammunition for each firearm in respect of which he/she holds a licence issued in terms of Section 16 of the Act and not for any firearms in respect of which he/she holds a licence issued in terms of other sections of the Act ¹.

2 The Act:

2.1 Section 91 of the Act reads:

“91. Restrictions on possession of ammunition

(1) *The holder of a **licence** to possess a firearm referred to in Chapter 6 may not possess more than 200 cartridges for each firearm in respect of which he or she holds a **licence**.*

(2) *The limitation in subsection (1) does not apply to -*

- (a) *a **dedicated hunter, dedicated sports person** or a **professional hunter** who holds a **licence** issued in terms of this Act or **any other holder of a licence issued in terms of this Act** authorised by the Registrar to possess more than 200 cartridges for a firearm in respect of which he or she holds a **licence on good cause shown**; or*
- (b) *the holder of a **licence** to possess a firearm **issued in terms of this Act** in respect of ammunition bought and discharged at an*

¹ Chapter 6 of the Act includes:

Section 13: Licence to possess firearm for self-defence

Section 15: Licence to possess firearm for occasional hunting and sports-shooting

Section 16: Licence to possess firearm for dedicated hunting and dedicated sports-shooting

Section 16A: Licence to possess firearm for professional hunting

Section 17: Licence to possess firearm in private collection

accredited shooting range.”

[Own emphasis]

2.2 Section 1 of the Act provides the following definitions:

*“**dedicated hunter**” means a **person** who actively participates in hunting activities and who is a member of an accredited hunting association;*

*“**dedicated sports person**” means a **person** who actively participates in sports-shooting and who is a member of an accredited sports-shooting organisation;*

*“**professional hunter**” means any **person** who supervises, escorts, offers to, or agrees to supervise or escort a client, for reward in connection with the hunting of a wild or exotic animal and who is authorised to do so in terms of any applicable provincial law;*

[Own emphasis]

3 A person obtains the status:

3.1 From the outset, it is undisputably clear that it is a natural person who obtains the status of dedicated hunter, dedicated sports person or professional hunter. Neither a firearm nor a licence is a person. Firearms and licences are lifeless, inanimate objects. Firearms and licences cannot be happy, sad, lazy or dedicated.

4 *“A licence issued in terms of this Act”* in Section 91(2)(a) and (b) is not limited to only licences issued in terms of Section 16 of the Act:

4.1 A basic principle of the interpretation of statutes is that words have their ordinary meaning. If a section makes perfect sense there is no basis to add words to, or remove words from, such a section.

4.2 Section 91(2)(a) does NOT state that it applies only to *“a licence issued in terms of section 16 of this Act”*. It does not mention any section and it

specifically does NOT include the words “*section 16 of*”. “*A licence issued in terms of this Act*” includes any licence issued in terms of “*this Act*”, regardless of whether it was issued in terms of section 13, 15 or 16. The legislature did not limit it to a licence issued in terms of one specific section.

4.3 This is confirmed by Section 91(1):

4.3.1 Section 91(1) contains the founding provision and Section 91(2) contains the exceptions thereto. The founding provision in Section 91(1) clearly refers to “*a licence to possess a firearm referred to in Chapter 6*”. This includes ANY licence referred to in Chapter 6. Chapter 6 includes Sections 13, 15 and 16.

4.3.2 It is wholly contrary to the proper interpretation of statutes to accept that “*a licence*” in Section 91(1) includes ANY licence referred to in Chapter 6 of the Act, but to limit the meaning of “*a licence*” in Section 91(2) - the exceptions to Section 91(1) - to ONLY a licence referred to in Section 16 of the Act.

4.4 This is further confirmed by Section 91(2)(b):

4.4.1 Section 91(2)(b) contains the second exception to Section 91(1) and appears on the same sub-level directly following Section 91(2)(a).

4.4.2 It is wholly contrary to the proper interpretation of statutes to ascribe one meaning to “*a licence issued in terms of this Act*” in Section 91(2)(a) and a different meaning to “*a licence ... issued in terms of this Act*” in Section 91(2)(b) - the very next subsection.

4.4.3 Section 91(2)(b) provides that the holder of “*a licence to possess a firearm issued in terms of the Act*” is not restricted on the number of cartridges he/she may possess if it is bought and discharged at an accredited shooting range.

4.4.3.1 This means that ANY person, including a person who is NOT a

dedicated hunter, dedicated sports person or professional hunter, may possess more than 200 cartridges if that person has “a licence to possess a firearm issued in terms of the Act” and buys AND discharges such cartridges AT an accredited shooting range.

4.4.3.2 This makes perfect sense. For example, a person holds only one licence issued in terms of Chapter 6 of the Act under Section 13 and he/she is not a dedicated hunter, dedicated sports person or professional hunter. He/she goes to an accredited shooting range to practice or to attend a course. Section 91(2)(b) provides that he/she may buy and discharge more than 200 cartridges at that accredited shooting range.

5 Dedicated status precedes a licence in terms of Section 16:

5.1 The Central Firearms Registry (“CFR”) requires a person to obtain dedicated status at an accredited organization and to submit proof of such status BEFORE a licence is issued to that person in terms of Section 16. This simply confirms that it is the PERSON who obtains the dedicated status, NOT the firearm or the licence. This is perfectly in line with the definitions of “dedicated hunter”, “dedicated sports person” and “professional hunter” in Section 1 of the Act.

5.2 There is nothing barring a person who holds a licence under Section 13 to train with such a firearm on an occasional basis. He/she does not require a licence in terms of Section 15 to do so. There is also nothing barring a person who holds a licence under Section 13 to train with such a firearm on a dedicated basis. He/she does not require a licence in terms of Section 16 to do so.

5.3 If a person holds only one licence and that licence was issued under Section 13, there is nothing barring him/her to obtain and maintain dedicated status.

He/she is not obliged to hold a licence issued in terms of Section 16 in order to obtain and hold dedicated status.

- 5.4 A person who holds dedicated status will have exactly the same requirements for ammunition to train with his/her firearms licenced in terms of Section 13 or Section 15 as he/she will have in order to train with any firearms licenced in terms of Section 16. The Act adequately provides for this by allowing the PERSON with dedicated status to possess more than 200 cartridges for any firearm licenced under the Act.
- 6 In summary, dedicated hunters, dedicated sports persons and/or professional hunters are all natural persons. They, as persons, are not restricted to 200 cartridges per firearm for which they hold a licence issued in terms of the Act, regardless under which section of Chapter 6 of the Act such a licence has been issued.

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