

**GOVERNMENT NOTICE  
GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF SAFETY AND SECURITY  
DEPARTEMENT VAN VEILIGHEID EN SEKURITEIT**

No. R. 957

30 June 2003

(English text signed by the Minister)

**REGULATIONS UNDER THE FIREARMS CONTROL ACT, 2000 (Act No. 60 of 2000)**

The Minister for Safety and Security has, under section 145 of the Firearms Control Act, 2000 (Act No. 60 of 2000), made the regulations in the Schedule.

**SCHEDULE**

**Firearms Control Regulations, 2003**

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**Definitions**

1. In these regulations "the Act" means the Firearms Control Act, 2000 (Act No. 60 of 2000), and any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates -

- (i) **"accredited shooting range"** means a shooting range or tunnel that complies with an applicable compulsory specification set in terms of the Standards Act, 1993 (Act No. 29 of 1993);
- (ii) **"applicant"** includes a natural person or juristic person;
- (iii) **"public collection"** means a collection of firearms or ammunition intended to be displayed to the public;
- (iv) **"dedicated procedure"** means a procedure that will promote the provisions of section 2 of the Act;
- (v) **"person in good standing"** means a person who is or remains acceptable to a collectors' association as a member and who is not a person unfit to possess a firearm in terms of the provisions of the Act
- (vi) **"relevant Designated Firearms Officer"** means the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides, and if an application for accreditation under these regulations pertains to a business of the applicant, the Designated Firearms Officer responsible for the area in which the business is or will be situated, as the case may be.

#### **General provisions relating to accreditation**

- 2. (1) An applicant requiring accreditation for a purpose contemplated in the Act, must apply to the Registrar for such accreditation.
- (2) An applicant referred to in sub-regulation (1), must submit the duly completed relevant application form, prescribed in Annexure 1, 2 or 3 together with any required supporting documents, to the relevant Designated Firearms Officer.
- (3) The application form must be completed in black ink by the applicant personally or, in the case of a juristic person, by a natural person nominated in writing by the juristic person to act on behalf of the juristic person.
- (4) When an applicant is a juristic person, the Registrar may require from the applicant any information regarding any aspect required on the prescribed form of any person who is in control of the juristic person or is responsible for the management thereof.
- (5) The information requested by the Registrar under sub -regulation (4) must be supplied by the person concerned personally in the form required by the Registrar.
- (6) When required by the Registrar, an applicant referred to in sub-regulation (1), must provide a set of fingerprints and an authenticated copy of the identity document of the applicant if a natural person or, in the case of a juristic person, of any person who is in control thereof or is responsible for the management thereof.

- (7) In deciding whether an applicant qualifies for accreditation under the Act, the Registrar must take into account any relevant factor that reflects on the applicant, if a natural person or, in the case of a juristic person, of every person who is in control of or is responsible for the management of the juristic person regarding -
- (a) trustworthiness and integrity;
  - (b) the suitability to perform the relevant functions in terms of the Act;
  - (c) the capacity to serve the purposes of the accreditation;
  - (d) the capacity to advance the purposes of the Act as referred to in section 2 of the Act; and
  - (e) a written report compiled by the relevant Designated Firearms Officer as well as any written submissions by the applicant to such report.
- (8) In deciding whether an applicant fulfils the criteria referred to in sub-regulation (7), the Registrar may also take into account, where applicable-
- (a) the infra-structure of the applicant;
  - (b) any relevant qualifications of the applicant or his or her employees;
  - (c) the time period of the applicant's existence or functioning;
  - (d) the main purpose of the applicant, and the applicant's interest and experience in the applicable field for which accreditation is applied for;
  - (e) the code of conduct or ethical code of the applicant, and any disciplinary code or measures applicable to the members or employees of the applicant;
  - (f) the constitution of the applicant;
  - (g) the number of paid-up members and the conditions required to become a member of the applicant and maintain membership;
  - (h) any organisational affiliation of applicant;
  - (i) the intent of the applicant to fulfil the purpose of the accreditation;
  - (j) any interest or conflict of interest which may render the applicant unsuitable for accreditation;
  - (k) the intent of the applicant to promote the purposes of the Act referred to in section 2 of the Act;
  - (l) the region that the operations or function of the applicant covers;

- (m) any other fact that will in the Registrar's opinion be relevant to ascertain the suitability for accreditation; and
  - (n) written representations by other persons in support of the application.
- (9) The Registrar may refuse an application for accreditation if, on information at his or her disposal, it is shown that the applicant does not qualify to be accredited or when any controlling or managing person referred to in sub-regulation (4) would be disqualified to be issued with a competency certificate in terms of section 9(2)(a), (c) to (p) of the Act.
- (10) The Registrar must record on the Central Firearms Register referred to in section 125(1)(g) of the Act the information required in the forms prescribed in Annexure 1, 2, 3 and 4.
- (11) A person who
- (a) falsely represents himself or herself or any other person or juristic person as being accredited for the purpose of the Act; or
  - (b) supplies particulars, information or answers in an application for accreditation, knowing it to be false, incorrect or misleading or not believing them to be correct,
- commits an offence and is liable to a fine or imprisonment for a period not exceeding 12 months or both such a fine and imprisonment.
- (12) The Registrar may only cancel an accreditation under section 8(3) of the Act if he or she has followed the procedure, read with the necessary changes, to that set out in section 102(2) to (4) of the Act.
- (13) (1) An applicant who was accredited in terms of the Act, must annually, before the 31 day of December of that year and annually thereafter submit to the Registrar a written report in respect of any person who
- (a) holds a competency certificate, licence, permit, or authorisation issued under the Act;
  - (b) is a member of or is engaged in the business of the accredited person or juristic person, as the case may be; and
  - (c) had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition specified on a licence issued to the applicant under the Act, or conduct contemplated in section 102(1) of the Act.
- (2) The report must list the full names and the identification number of the, person concerned, particulars of the competency certificate,

licence, permit or authorisation and of the disciplinary transgression and the result of the disciplinary action.

- (14) (a) A juristic person accredited for a purpose contemplated in the Act must notify the Registrar in writing within 30 days if there is a change with regard to any person who is in control of or is responsible for the management of the juristic person.
- (b) The Registrar may on receipt of a notification referred to in paragraph (a) request any particulars referred to in sub-regulation (4) regarding a person who acquires control of or is responsible for the management of the juristic person referred to in paragraph (a).
- (c) Nothing in this regulation must be construed as granting to the Registrar any power or authority whatsoever to determine the control or management of such a juristic person by any specific person: However, if the juristic person appoints a person who is in control of or is responsible for the management thereof and such appointment has the effect that the criteria referred to in sub-regulation (7) are no longer complied with, the Registrar may invoke the procedures prescribed in regulation 2(12).

#### **Accreditation of public collector**

3. (1) A public collector who applies for accreditation must, in addition to the information required by regulation 2, submit -
- (a) a description of the display mechanisms that will be used to display the firearms;
- (b) acceptable documentary proof that the display will be in an accredited museum;
- (c) a description and specifications of the security measures pertaining to the storage, transport and safekeeping of the firearms to be displayed;
- (d) a description of the access control to the museum where the firearms will be displayed;
- (e) a certificate confirming that the museum is open to the public; and
- (f) written confirmation that -
- (i) no firearm or ammunition will be made available to any person who does not hold a temporary authorisation issued under section 21 of the Act, authorising the possession of the firearm, or a permit to possess the ammunition, as the case may be;
- (ii) the firearm and ammunition will be displayed or stored under

- the control of the appointed curator of the museum or a person authorised thereto in writing by the curator;
- (iii) the curator of the museum or a person authorised in writing thereto by the curator will ensure that any physical access to the firearm and ammunition other than provided for in subparagraph (i) will be under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm and ammunition;
  - (iv) the firearm and ammunition will be used for the display and or storage by the museum only on the registered premises of the museum;
  - (v) in the event of the museum being a private museum, that it has been rated and accredited by a national or provincial museum council in accordance with the applicable legislation and that it -
    - (aa) is administered for purposes that include collecting, preserving, studying, interpreting, assembling and exhibiting to the public for its education and enjoyment objects and specimens of educational and cultural value, including artistic, scientific, historical and technological materials;
    - (bb) is open to the public or puts on demonstration or displays for the public on a regular basis;
    - (cc) has a curator who is a member in good standing of a national or provincial museum association;
    - (dd) conforms to provincial and municipal or local government land use and zoning regulations; and
    - (ee) maintains safety rules and regulations with regard to the safe storage and display of firearms that conform to the prescribed standards;
  - (vi) the curator of the museum keeps an updated record of all firearms and ammunition held on the registered premises of the museum; and
  - (vii) no change in the circumstances or particulars relevant to the firearms will take place unless prior approval of the Registrar had been obtained.

**Accreditation of hunting association or sports-shooting organisation**

4. (1) A hunting association or sports-shooting organisation that applies for

accreditation must, in addition to the relevant information required by regulation 2, submit -

- (a) in the case of a hunting association, proof to the satisfaction of the Registrar that the hunting association conducts a relevant training course in respect of dedicated hunters that complies with the provisions of the Skills Development Act, 1998 (Act No. 97 of 1998) in terms of which it is a prerequisite that a member of the hunting association must successfully complete before that person may be registered as a full member and a dedicated hunter with the hunting association ;
  - (b) in the case of a sports-shooting organisation, proof to the satisfaction of the Registrar that the sports-shooting organisation only register a person as a full member of the sports-shooting organisation if such person has successfully completed a relevant training course that complies with the provisions of the Skills Development Act, 1998 ;
  - (c) documentary proof of membership by the hunting association or sports-shooting organisation of a national or international association or organisation of which the primary bona fide object is to promote responsible hunting or sport-shooting as the case may be, and which has been approved by the Registrar.
- (2)
- (a) An accredited organisation or association contemplated in section 16(2) of the Act must annually before the 31 day of December submit to the Registrar a written report reflecting the details of all members whose registered membership with such accredited organisation or association terminated, and
  - (b) the reasons for the termination of such membership.

#### **Accreditation of collectors association**

5. (1) A collectors association that applies for accreditation must, in addition to the relevant information required by regulation 2, submit proof to the satisfaction of the Registrar that the association -
- (a) has a formal process in place to evaluate its members for their bona fides to be a private collector in respect of a particular category in respect of their interest in and knowledge of the historical, technological, scientific, heritage value or any other aspect as the association may determine appropriate, of a specific theme or field of interest and that the relevant documentation pertaining to such evaluation is kept on record by the association;
  - (b) will only allow membership of a person to the association as long as the person is in good standing with the association;
  - (c) is a member of a national or international association or organisation of which the primary bona fide object is to promote the responsible

collecting of firearms and ammunition;

- (d) has provided in its founding document for a dedicated procedure whereby its members are classified in the following categories of collectors:
    - (i) Category A - being a category whereby the collectors association only approves firearms for collection as contemplated in section 17(1)(a) of the Act, which excludes prohibited firearms referred to in section 4(1) and restricted firearms referred to in section 14(1);
    - (ii) Category B - being a category whereby the collectors association only approves firearms for collection as contemplated in section 17(1)(a) of the Act, which excludes prohibited firearms referred to in section 4(1);
    - (iii) Category C - being a category whereby the collectors association approves any class of firearms for collection as contemplated in section 17(1)(a) of the Act;
  - (e) does not in terms of the dedicated procedures required in sub-paragraph (d), declare a private collector in a higher category than Category A unless the private collector had been declared a collector under the previous Act in a higher category. A private collector previously declared as a collector in a higher category may be declared a collector in such higher category in terms of this regulation; and
  - (f) will only declare a private collector in a higher category strictly in accordance with the dedicated procedure required by sub-paragraph (d).
- (2)
- (a) Before licencing a firearm under section 17(2) of the Act, the Registrar must issue a certificate to the private collector declaring such private collector in a corresponding category in sub-regulation (1)(d) to which the accredited collectors association has duly classified a member as a private collector.
  - (b) The Registrar may only declare a person in a higher category on proof to the satisfaction of the Registrar that the private collector concerned has been declared to be in a higher category by the collectors association of which the private collector is a member in accordance with the dedicated procedure referred to in sub-regulation (1)(d).
  - (c) The Registrar may only issue a license under section 17(2) of the Act to a private collector in accordance with a corresponding certificate issued in terms of this regulation.
- (3) The Registrar may, by means of a written notice served on the holder of a certificate contemplated in sub-regulation (2), and after a procedure similar



to that referred to in section 28(2) and (3) of the Act was followed, withdraw the declaration and certificate if the person or the controlling or managing person referred to in regulation 2(4) -

- (a) has under the provisions of section 102 or 103 of the Act become or been declared an unfit person to possess a firearm;
  - (b) has been found guilty of an offence referred to in Schedule 2 of the Act, or any other offence in which the commission of a firearm had been used;
  - (c) is no longer domiciled in the Republic; or
  - (d) has in the Republic or anywhere else been sentenced for any offence to imprisonment without the option of a fine.
- (4) When the declaration of a person as a collector of firearms and ammunition has been withdrawn by the Registrar, the person concerned shall forthwith surrender his certificate of declaration as a collector to the Designated Firearms Officer who has been designated for this purpose by the Registrar.
- (5) (a) An accredited collectors association contemplated in section 17(2) of the Act must annually before the 31st day of December submit to the Registrar a written report reflecting the details of all members whose registered membership with such accredited collectors association terminated; and
- (b) of the reasons for the termination of membership .

#### **Accreditation of museum**

6. The Registrar may accredit a museum for the purpose of section 19(4) of the Act when such museum has been rated and accredited by a national or provincial museum council in terms of applicable legislation.

#### **Accreditation of shooting ranges**

7. (1) An application must be made in accordance with regulation 2 for the accreditation of a shooting range that will be used for the purposes of regulation 8 and sections 19(5) and 91(2)(b) of the Act
- (2) Practical training and testing regarding the safe and efficient handling of a firearm during which ammunition will be fired, in order to obtain a competency certificate, may only be undertaken on a shooting range that complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 (Act No. 29 of 1993).
- (3) The Registrar may only accredit a shooting range as contemplated in sections 19(5) and 91(2)(b) of the Act on proof by the applicant that the shooting range complies with the applicable compulsory specification set in terms of the Standards Act, 1993.

**Accreditation to provide training in use of firearms**

8. (1) An applicant who applies to be accredited to provide training in the use of firearms for the purposes of section 20(2)(b) of the Act must, in addition to the information required under regulation 2, submit -
- (a) a written undertaking that a relevant training course in respect of testing and training in the use and handling of firearms will be used to train persons;
  - (b) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be used in the training;
  - (c) proof that any practical training or testing which will involve the actual firing of a firearm will only be conducted at a shooting range that complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 which has been accredited under the Act; and
  - (d) documentary proof that the applicant is registered in terms of the Skills Development Act, 1998 with Poslec-Seta as a service provider to provide the training contemplated in section 9(2)(q), (r) and (s) of the Act.
- (2) A person accredited in terms of sub-regulation (1) must keep a register wherein the following particulars must be recorded in respect of every person trained by such accredited person:
- (a) The identity number, full names, type of firearms for which training was provided and the test results, and
  - (b) a certificate undersigned by both the trainer and the person concerned confirming the particulars in sub-regulation 2(a).
- (3) The register contemplated in sub-regulation (2) must be available at the place of business of the accredited person and must be retained for a period of six years.

**Accreditation to provide firearms for use in theatrical, film or television productions**

9. An applicant who applies for accreditation to provide firearms for use in theatrical, film or television productions must, in addition to the information required under regulation 2, submit -
- (a) a certificate confirming that any modification of firearms licensed to the applicant will only be performed by a gunsmith;
  - (b) proof to the satisfaction of the Registrar that the applicant is actually

involved in the business of providing firearms for theatrical, film or television productions; an

- (c) a comprehensive report comprising the following information:
- (i) A description of the safekeeping facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;
  - (ii) details regarding the records that will be used to control the firearms;
  - (iii) the initials, surname identity number and two proof signatures of the person who will be responsible for the firearms;
  - (iv) confirmation, if it is required that the persons to whom firearms are issued will have to use live ammunition with the firearm, that such person will have received basic training in the safe use of the firearm, prior to the firearm being used by such person;
  - (v) the details of the type of firearms and the quantity of ammunition the applicant intends acquiring;
  - (vi) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official; and
  - (vii) a motivation regarding the need for the applicant to possess the firearms.

#### **Accreditation of game hunter**

10. A game hunter who applies for accreditation, other than a hunter contemplated in sections 15, 16 and 20(2)(e) of the Act, must, in addition to the information required under regulation 2, submit -
- (a) proof of registration in terms of applicable legislation with, or exemption from, registration as a game farm with a relevant provincial authority;
  - (b) a description of the security measures regarding the safe handling, storage and transport of firearms to be used in conducting such business; and
  - (c) proof of membership of a game farmer's association of which the primary bona fide object is to promote responsible game farming and which has been approved by the Registrar.

#### **Accreditation to conduct business in hunting**

11. An applicant who applies to be accredited to conduct business in hunting must, in addition to the information required under regulation 2, submit -
- (a) a certified copy of his or her professional hunting or hunting outfitters licence or permit issued by a relevant provincial nature conservation authority of the

province in which he or she will conduct the business;

- (b) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be used in conducting such business; and
- (c) documentary proof of membership of a national or international association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible professional hunting.

**Accreditation for other business purposes as determined by the Registrar**

12. (1) An applicant who applies to be accredited to use firearms for a business purpose as may be determined by the Registrar as intended in section 20(2)(f) of the Act must, in addition to the information required under regulation 2 submit-
- (a) detailed particulars in respect of the scope of the business;
  - (b) full motivation for the use of firearms;
  - (c) a detailed description of the firearms that will be used as well as a detailed motivation for the use of the firearms;
  - (d) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be used in conducting such business;
  - (e) the total number of persons who will be issued with firearms; and
  - (f) a description of the premises from where the business will be conducted.
- (2) If the Registrar makes a determination referred to in section 20(2)(f) of the Act in respect of an in-house security provider, such in-house security provider must, in addition to the requirements set out in sub-regulation (1), submit a description of the scope of what business is to be protected.

**Accreditation as official institution**

13. An Official Institution that applies for accreditation must, in addition to the relevant information required by regulation 2, submit -
- (1) official documentary proof that the applicant is a government institution; and
  - (2) a comprehensive report signed by the Chief Executive Officer of the government institution comprising the following information:
    - (a) the purpose for which the firearms are needed;
    - (b) a description of the safekeeping facilities and safety control procedures regarding the safeguarding of firearms to be utilised by

the applicant;

- (c) details regarding the records that will be used to control the firearms;
- (d) the initials, surname identity number and two proof signatures of a designated person who will be the responsible person for the firearms in the Official Institution;
- (e) confirmation that persons to whom firearms are issued will have at least two shooting practices per year with the relevant firearms;
- (f) the details of the type of firearms and the quantity of ammunition the Official Institution intends acquiring;
- (g) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official;
- (h) a full motivation regarding the need for the Official Institution to possess the firearms; and
- (i) confirmation that a permit contemplated in terms of section 98 of the Act, will only be issued to an employee of the Official Institution who holds a valid competency certificate.

### **Administrative justice**

14. Any official taking an administrative decision in terms of the Act which may detrimentally affect the rights of a person, must –

- (a) immediately when the decision is made, record in writing the reasons for the decision;
- (b) append his or her signature, together with the date, to the reasons; and
- (c) without delay notify the person concerned in writing of the decision stating the reasons referred to in paragraph (a), as well as the rank, initials and surname of the decision-maker and the date and place where the decision was taken.

### **Appeal Board**

15. (1) The conditions of office, remuneration and allowance of the members of the Appeal Board referred to in section 129(1) of the Act shall be as prescribed in terms of the Public Service Act, 1994 (Proclamation No. 104 of 1994) as at the date of promulgation of these regulations for persons with qualifications and experience corresponding to those of the members of the Appeal Board, subject to the approval of the Minister of Finance.
- (2) Subject to the provisions of section 129(2) of the Act, a member of the Appeal Board will be appointed on an *ad hoc* and needs basis.

- (3) A retiring member of the Appeal Board may be re -appointed.
- (4) Whenever a member of the Appeal Board is absent due to illness or for any other reason, the Minister may temporarily appoint a person as an acting member for the period that the member is absent.
- (5) The seat of the Appeal Board shall be in Pretoria, but the Board may sit in any other locality for the purpose of hearing an appeal where oral submissions have been allowed.
- (6) The Minister shall nominate a member of the Appeal Board as Chairperson of the Appeal Board.
- (7) The Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings.
- (8) (a) For the purposes of a meeting of the Appeal Board the Chairperson and two members shall form a quorum.  
(b) The decision of the majority of the members present at a meeting of the Appeal Board shall constitute a decision of the Appeal Board: Provided that in the event of an equality of votes on any matter, the Chairperson of the Appeal Board shall have a casting vote in addition to his deliberative vote.

### **Appeal procedure**

16. (1) An appeal by a person referred to in section 133(1)(d) of the Act pertaining to an accreditation in terms of the Act, must be noted by the person or his or her legal representative -
  - (a) within 90 days after the date on which the Registrar made the decision; and
  - (b) by submitting an appeal notice to the Appeal Board in the form prescribed in Annexure 4 to these regulations.
- (2) An appeal notice must clearly indicate in the appeal notice the decision that was taken and by whom, the date of the decision, ground or grounds of appeal, and by attaching written submissions in support of the appeal to the appeal notice.
- (3) The Appeal Board may condone the late submission of an appeal notice on good cause shown by the appellant why it was impossible for him or her to comply with the relevant provision.
- (4) A copy of the notification contemplated in regulation 14 must be attached to appeal notice.
- (5) An appeal must be submitted to the Appeal Board by hand, facsimile or by

post and must be addressed to the Chairperson of the Appeal Board at the following postal address: Private Bag X811, Pretoria, 0001.

- (6) The Appeal Board must acknowledge receipt of an appeal notice and the date of such receipt in writing, and may do so by post, facsimile or by appending such acknowledgment on a copy of the appeal notice.
- (7) The Appeal Board must inform the relevant official who made the decision in question of the appeal, and supply him or her with a copy of the documents referred to in sub-regulation (2), and request him or her to respond in writing within 14 days, as to why the appeal should not be upheld.
- (8) The Appeal Board may request an appellant or the appellant's legal representative to address the Board during the hearing of that appeal, in which case the Appeal Board shall inform the appellant and the official in question that oral representation by the parties will be allowed during the hearing, and afford both parties the opportunity of making oral submissions during the hearing.
- (9) Subject to the provisions of section 133(3) of the Act the Appeal Board may, if it deems it necessary, request additional evidence of facts from any party in order to allow it to come to a just and fair decision.
- (10) The Appeal Board must -
  - (a) finalise an appeal within 45 days after expiry of the 14 days contemplated in sub-regulation (7); and
  - (b) notify an applicant, or his or her legal representative in writing of the outcome of an appeal, within 14 days of the Appeal Board's decision.
- (11) Nothing in this regulation must be construed as referring to a decision of a court acting under section 103 of the Act.

#### **Official address**

17. The official addresses for communication in accordance with the provisions of these Regulations shall be the following:
  - (a) The National Commissioner: South African Police Service, Private Bag X94 Pretoria, 0001
  - (b) The Chairperson: Appeal Board, Private Bag X811, Pretoria, 0001
  - (c) The Head: Central Firearms Register, Private Bag X811, Pretoria 0001

#### **Date of commencement**

18. These Regulations shall come into force on the 1 day of July 2003.