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Use of Dealer Stock

SAAADA recently received a query as to whether a suitably competent employee of a licensed firearms dealer may use firearms held on dealer stock for any specific purpose.

Nothing in the Act or Regulations allows a dealer's stock guns to be "used" for any purpose, other than

- a. For storage and display / marketing / sale in the shop,
 - a. Reg 31(c), (d), (e) and (h)
- b. for demonstration or test firing and then only on an accredited shooting range by a person with a competency certificate.
 - a. Reg 31(l)
- c. Of course, they may also be transported by suitably competent personnel.
 - a. Reg 31(j)

Regulation 31 includes the following sections that are relevant to this query.

31(c) during any period when the licensed premises are closed for business purposes all firearms and ammunition which are on the premises must be locked in a strong room or safe for safe custody of firearms which has been defined in the relevant licence;

31(d) during any period when the premises specified in the licence is open for purposes to trade in firearms or ammunition, firearms and ammunition may only be displayed if the firearms are - <snip>

31(e) during any period when the licensed premises are open for business or any other purpose, firearms and ammunition which are not displayed must be kept in a strong room or safe for safe custody of firearms which has been defined in the relevant licence;

31(h) only natural persons whose particulars are recorded in the prescribed register as contemplated in regulation 37(4), may trade in firearms or ammunition on behalf of the dealer;

31(j) the firearms and ammunition that are possessed on the authority of a dealer's licence may only be transported by a person whose particulars appears on the licence or in the register prescribed in regulation 37(4) or by the holder of a firearm transporter's permit and such transport must comply with the requirements of regulation 68(1)(a) to (c);

31(l) firearms and ammunition may only be test-fired or fired for demonstration purposes at an accredited shooting range by a person holding a competency certificate;

Thus, I believe that “using” a stock gun for any of the following would not be within the scope allowed by the regulations.

- Personal or business protection,
- Hunting,
- Shooting / test firing ‘*op die plaas*’ or anywhere that is not an accredited shooting range,
- Shooting at an accredited shooting range by a customer not yet in possession of a SAPS competency certificate, not even as part of test firing to compare different guns – a marketing activity intended to lead to a sale.
 - This must be done with guns licensed to an entity for this purpose (trainer, range, gun shop, etc)

In the event of need / emergency, other considerations (common law) would allow anyone in the gun shop to grab a gun and ammo and use such for protection. Given the requirements to store and display firearms away from ammo, this might not be practically possible.

Please note that this is not a formal legal opinion, just a layman’s interpretation of the legislation supported by knowledgeable people.

Regards,

Jonathan