

South African Police Service



Suid-Afrikaanse Polisie

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Your reference/U verwysing:

THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS

My reference/My verwysing: 26/52/1 over 3/34/1

PRETORIA
0001

- A. The National Head
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
- B. All Provincial Commissioners
- C. All Divisional Commissioners
- D. All District Commissioners
- E. All Heads
HEAD OFFICE
- F. All Section Heads
HEAD OFFICE
- G. All Commanders
SAPS COLLEGES AND TRAINING CENTRES
- H. All Deputy National Commissioners
- I. The Secretary
CIVILIAN SECRETARIAT FOR THE SOUTH AFRICAN POLICE SERVICE

**IMPLEMENTATION OF THE FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000):
UNDERSTANDING WHEN AN AIRGUN IS CONSIDERED TO BE A FIREARM**

- A-G1. This circular aims to foster a proper understanding of the application of the definition of an airgun and when an airgun is considered to be a firearm.
2. The purpose of the Firearms Control Act, 2000 (Act No. 60 of 2000) (the Act) is *"To establish a comprehensive and an effective system of firearms control; and to provide for matters connected therewith."*

3. The Act defines what are deemed to be firearms and how these are to be controlled and exempts certain devices from control because they are not classified as firearms. In terms of section 5(1)(f) of the Act airguns are not classified as firearms and are therefore exempt from control. It need therefore not be licensed and can be imported and sold by anyone.
4. An airgun is defined as follows in the Act:
"airgun' means any device manufactured to discharge a bullet or any other projectile -
 - (a) *of a calibre of less than 5.6 mm (.22 calibre); or*
 - (b) *at a muzzle energy of less than 8 joules (6ft-lbs),*
by means of compressed gas and not by means of burning propellant;"
5. Devices which are commonly referred to as "big bore" airguns are in fact regarded as firearms in terms of the Act. Section 1 of the Act *inter alia* defines a firearm as any device manufactured to discharge a bullet or any other projectile of a calibre of 5.6 mm (.22 calibre) or higher at a muzzle energy of more than 8 joules (6 ft-lbs), by means of compressed gas and not by means of burning propellant.
6. Airguns exceeding these specifications are therefore regarded as firearms for purposes of the Act.
7. Chapter 7 of the Act deals with the licenses issued to certain categories of persons which includes firearms dealers. Section 31(1) of the Act prohibits the trading or dealing in firearms without a dealer's license.
8. Chapter 8 of the Act deals with the import, export and carriage in-transit of firearms and ammunition. Section 73(1) of the Act prohibits the import of firearms without an import permit issued in terms of the Act.

9. At present all that is required for the importation of airguns (see the definition of an airgun) is an import permit issued by the International Trade Administration Commission of South Africa (ITAC). The Central Firearms Registry (CFR) of the South African Police Service ("SAPS") plays no role in the authorization of these import permits.
10. Upon importation of these airguns, the consignments are inspected by Customs of the South African Revenue Service (SARS) to determine if an ITAC import permit was issued and if import tariffs are payable on the consignments. Very rarely are members of Ports of Entry of the SAPS requested to inspect the airguns. Even so, when inspecting the airguns, notice is not taken of the calibre and muzzle energy of the airguns.
11. This means that so-called "big bore airguns" are not correctly identified as firearms as defined in the Act and are therefore cleared for importation into the country without an import permit issued in terms of the Act as required by section 73(1) of the Act.
12. Barrel or tubes (as it is commonly known) are also imported and sold, which allows for an air rifle to be converted to a "big bore" airgun. Section 1 of the Act also defines a firearm as any *"barrel, frame or receiver of a device referred to in paragraphs (a), (b), (c) or (d)"*. A barrel or tube manufactured to discharge a bullet or any other projectile of a calibre of 5.6 mm (.22 calibre) or higher is therefore also regarded as a firearm. Sections 33(1) and 73(1) of the Act is therefore equally applicable to such barrels or tubes.
13. Example of big bore airguns:
Seneca Big Bore 44 909 Light Hunter PCP Air Rifle, 500cc Tank .45 Caliber
 - Shoots .45 Caliber up to 730 FPS (feet per second)

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- Precharged Pneumatic PCP has Dual air chambers (500cc total air capacity) with 3,000 psi max fill pressure, and a Male Quick-Disconnect Foster Fill Connection
- This PCP Air Rifle has 2 power levels (first bolt stop is low power, second is high)
- Bolt-Action, Single Shot, with a Rifled Barrel
- Fixed Front Sight, Fully Adjustable Removable Rear Sight, and 11mm scope rail



Hatsan Barrage semi auto 5.5

- Semi auto action, pre-charged pneumatic (PCP) air rifle.
- Available in .177 (4.5mm), .22 (5.5mm) and **.25 (6.35mm) caliber.**
- Detachable 14-shot magazine in .177 (4.5mm), 12-shot magazine in .22 (5.5mm) and 10-shot magazine in **.25 (6.35mm) caliber.**



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14. The table below sets out typical calibre markings found on airguns or firearms.

Calibre in Imperial unit	Calibre in Metric unit	Defined in terms of the Firearms Control Act, Act 60 of 2000	Implication
.177	4.5mm	Airgun as defined in the Act	De-regulated as a firearm in terms of Section 5 of the Act. No licence, nor SAPS import permit required.
.20	5mm	Airgun as defined in the Act	De-regulated as a firearm in terms of Section 5 of the Act. No licence, nor SAPS import permit required.
.22	5.5mm	Airgun as defined in the Act	De-regulated as a firearm in terms of Section 5 of the Act. No licence, nor SAPS import permit required.
.22	5.6mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.
.25	6.35 mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.
.30 / .308	7.62 mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.
.357	9mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.
.45	11 mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.
.50	12.7 mm	Firearm as defined in the Act if muzzle energy is higher than 8 joules.	Firearm licence and import permit required as prescribed in the Act.

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15. Consignments of airguns or air rifles manufactured to discharge a bullet or any other projectile of a calibre of 5.6 mm (.22 calibre) or higher at a muzzle energy of more than 8 joules (6 ft-lbs), by means of compressed gas, which is not accompanied with an import permit issued in terms of the Act, must not be cleared at Ports of Entry and upon discovery of non-compliance with such requirement the matter must be referred to the National Priority Violent Crimes Bureau (NPVC) at Head Office for further handling. The NPVC will activate relevant members in the applicable province.
16. The NPVC (Head Office) can be contacted as follows:
17. Designated Firearms Officers must note that "big bore" airguns may be handed in during the Firearms Amnesty period.
18. This circular must be brought to the attention of all employees.
 1. Copy for your information.

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**NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

GENERAL**NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICE****KJ SITOLE (SOEG)**

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