



FACT SHEET SERIES

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SAGA Education Series: Timeframes for Competency Certificates, Licences and Renewals

Firearm Control Act (60 of 2000) and Firearm Control Regulations

1. Purpose of this Factsheet

This factsheet explains the timeframes applicable to firearm competency certificates and licence renewals under the Firearms Control Act (FCA).

It distinguishes between three different categories of timeframes that are often confused:

1. Statutory timeframes contained in the Firearms Control Act 60 of 2000
2. Regulatory timeframes contained in the Firearms Control Regulations
3. Administrative timeframes applied internally by the Central Firearms Registry (CFR)

Understanding these differences is important because only statutory and regulatory timeframes create binding legal obligations, while administrative targets represent internal processing goals rather than enforceable rights.

Why This Matters:

Delays in firearm licensing are not merely administrative inconveniences — they directly affect the ability of lawful citizens to exercise their rights under the Firearms Control Act. The distinction between legal requirements and administrative practice is therefore essential to ensuring accountability within the system.

2. Key Principle in Administrative Law

South African administrative law recognises that when legislation creates an application process, decisions must be taken within a reasonable time.

This principle arises from:

- Section 33 of the Constitution (Right to Just Administrative Action)
- Promotion of Administrative Justice Act (PAJA)
- General administrative law principles

Where legislation specifies a timeframe, the administration must comply with that timeframe. Where legislation does not specify a timeframe, the decision must still be taken within a reasonable period.

3. Competency Certificates – Legal Framework

Before a firearm licence may be issued, the applicant must obtain a Competency Certificate in terms of the Firearms Control Act.

Relevant provisions include:

- Section 9 – Competency Certificates
- Section 10 – Application procedure
- Section 102/103 – Declarations of unfitness

Note: *Competency certification confirms that a person is legally fit and proper to possess a firearm.*

4. Statutory Timeframe for Competency Certificates

The Firearms Control Act provides a specific statutory timeframe for the consideration of competency applications. Section 10(2) of the Act provides that the Registrar (CFR) must decide the application within **90 days** after the application has been received by the Registrar (CFR) in a complete and processable form, as contemplated by the Act and Regulations.

This 90-day period runs from the date the application is properly completed, submitted and received in a processable form by the Registrar. In practice, this means that competency applications should be finalised within approximately three to four months.

5. Licence Applications – Legal Framework

Once competency is granted, the applicant may apply for a firearm licence under one of the following sections:

- Section 13 – Self-defence
- Section 14 – Restricted firearms for self-defence
- Section 15 – Occasional hunting / sport shooting
- Section 16 – Dedicated hunting / sport shooting
- Section 17 – Professional hunting

Registrar (CFR) must assess each licence application independently.

6. Statutory Timeframes for Licence Applications

Unlike competency certificates, the Firearms Control Act does not explicitly prescribe a fixed number of days for licence decisions. Instead, the CFR is required to consider the application and decide in accordance with the Act and administrative law principles.

This means that decisions must be taken within a reasonable administrative timeframe. What constitutes “reasonable” will depend on factors such as:

- completeness of the application
- background checks
- verification by the Designated Firearms Officer (DFO)

However, unreasonable delay may be challenged under PAJA.

Unlike competency applications, the absence of a fixed statutory timeframe for licence applications has been a source of ongoing administrative dispute, particularly where delays extend beyond what could reasonably be justified under PAJA.

7. Licence Renewal Applications

Firearm licences are issued for fixed validity periods. Typical validity periods include:

<u>Licence Type</u>	<u>Validity Period</u>
Self-defence (Section 13)	5 years
Occasional hunting / sport (Section 15)	10 years
Dedicated hunting / sport (Section 16)	10 years

Note: Different validity periods apply to other licence categories (such as business and collector licences), but these fall outside the scope of this factsheet.

A licence holder must apply for renewal before the expiry date. Licence validity periods are prescribed in **Section 27 of the Firearms Control Act**.

8. Statutory Timeframe for Renewal Applications

Firearm licences are issued for fixed validity periods and must be renewed before expiry. The **Firearms Control Regulations**, issued under the Firearms Control Act 60 of 2000, Regulation 24(4) of the Firearms Control Regulations requires that a renewal application be submitted **at least 90 days before the licence expiry date**.

This requirement is intended to provide the Registrar with sufficient time to consider the renewal before the licence expires. Where a renewal application is submitted before the licence expiry date, South African courts have indicated that an applicant should not automatically be rendered unlawful solely due to administrative delay while the application remains under consideration.

If a renewal application is submitted less than 90 days before expiry, the application may still be accepted and processed, but the applicant risks falling outside the regulatory timeframe intended to support continuity of lawful possession during the processing period.

Legal Note – Source of the 90-Day Requirement

The requirement to submit renewal applications at least **90 days before licence expiry** arises from the **Firearms Control Regulations**, issued under the Firearms Control Act 60 of 2000, rather than from the Act itself.

Important:

The Regulations prescribe the 90-day period as a procedural requirement, but they do not expressly invalidate applications submitted outside this period.

The Act establishes the legal framework for firearm licensing and renewals, while the Regulations prescribe the procedural requirements governing the **timing and format of applications**. This distinction is important in administrative law because statutory provisions and regulations carry different legal weight from internal administrative practices.

Practical Guidance for Licence Holders

Although the Regulations require renewal applications to be submitted **at least 90 days before licence expiry**, firearm owners are generally advised to submit renewal applications **well in advance of this minimum period**.

In practice, many licence holders submit renewal applications **120 to 180 days before expiry** in order to reduce the risk of administrative delays.

Applicants should also retain proof of submission from the **Designated Firearms Officer (DFO)**, as this document serves as evidence that the renewal application was lodged before the licence expired.

***Note:** Submitting a renewal application less than 90 days before expiry does not automatically invalidate the application, but it **may** reduce the regulatory protection intended to ensure continuity of lawful possession while the application is being processed.*

9. Regulatory Timeframes

The **Firearms Control Regulations**, issued under the Firearms Control Act 60 of 2000, supplement the Act and provide procedural guidance for the handling of applications.

These Regulations prescribe matters such as:

- forms to be used
- supporting documentation requirements
- administrative procedures governing applications

However, the Regulations generally **do not prescribe strict processing deadlines for licence decisions**, meaning that most licensing decisions remain subject to the administrative law requirement that decisions be taken **within a reasonable time**.

Note: *Internal CFR targets do not create enforceable rights and cannot override statutory or constitutional obligations.*

10. CFR Administrative Processing Targets

The Central Firearms Registry has historically published internal service targets for processing applications.

These have often included indicative processing periods such as:

<u>Application Type</u>	<u>Internal Target</u>
Competency certificate	±90 days
New licence application	±90–120 days
Renewal application	±90 days

Important:

These are administrative targets rather than legal deadlines. They represent CFR service standards, not statutory obligations.

11. Practical Reality – Processing Delays

In practice, firearm owners frequently report significantly longer processing periods.

Delays may arise from:

- backlog at provincial offices
- staffing constraints at CFR
- verification delays
- system limitations

In some cases, applications have taken many months or even years to finalise. Where delays become excessive, applicants may consider remedies available under administrative law.

12. Legal Remedies for Unreasonable Delay

Where an administrative authority fails to decide within a reasonable time, several remedies may be available:

- PAJA review for unreasonable delay
- Internal escalation through SAPS structures
- Legal demand to the Registrar (CFR)
- Application to court compelling a decision

South African administrative law recognises that where legislation creates an application process, the responsible authority must make a decision within a reasonable time, failing which the delay may constitute reviewable administrative action under the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

Note: *A failure to take a decision may itself constitute reviewable administrative action under PAJA.*

13. Common Misconceptions About FCA Timeframes

The licensing system established under the Firearms Control Act 60 of 2000 and its Regulations is often misunderstood. Several common misconceptions regularly arise regarding application timelines and legal obligations.

Misconception 1 – “Renewal applications must always be submitted exactly 90 days before expiry”

The **90-day requirement** is contained in the Firearm Control Regulations and represents the **minimum period before expiry** within which a renewal application should be submitted.

Applying earlier than 90 days is generally acceptable and often advisable to reduce the risk of administrative delays. Applying less than 90 days before expiry does **not automatically invalidate the application**, but it **may reduce** the regulatory protection intended to ensure continuity of lawful possession while the application is being processed.

Misconception 2 – “A firearm licence automatically becomes unlawful while a renewal application is pending”

Where a renewal application has been **submitted before the licence expiry date**, the application will generally continue to be processed by the Central Firearms Registry.

Courts have, in certain matters, recognised that administrative delay by the State should not automatically render otherwise compliant licence holders unlawful while a renewal application submitted before expiry remains under consideration by the Registrar (CFR).

Misconception 3 – “CFR must approve or refuse every firearm licence within a fixed number of days”

The Firearms Control Act prescribes a **specific 90-day timeframe for competency certificate decisions**, but it does **not prescribe a fixed statutory deadline for firearm licence decisions**.

However, administrative authorities remain bound by the constitutional requirement that decisions must be taken **within a reasonable time**, as required by the **Promotion of Administrative Justice Act (PAJA)**.

Misconception 4 – “Administrative backlogs change the legal obligations of applicants”

Administrative delays within the licensing system do **not change the legal obligations placed on applicants**, including the requirement to apply for renewals before licence expiry.

However, the State remains responsible for ensuring that administrative systems operate efficiently and in accordance with constitutional standards of lawful and reasonable administration.

14. Key Takeaway

The Firearms Control Act 60 of 2000 establishes a structured licensing system that relies on both **compliance by licence holders** and **efficient administration by the State**.

While the Act and its Regulations provide clear timeframes for certain processes, other administrative decisions must still comply with the constitutional requirement of **lawful, reasonable and procedurally fair administrative action**.

Administrative inefficiency cannot lawfully extinguish rights created by statute.

Where significant delays occur, affected applicants may be entitled to challenge those delays through the remedies available under administrative law.

Understanding the distinction between **statutory requirements, regulatory procedures and internal administrative practices** helps clarify many of the misunderstandings surrounding firearm licensing timeframes in South Africa.

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guide to firearm owners on compliance and responsible firearm ownership.

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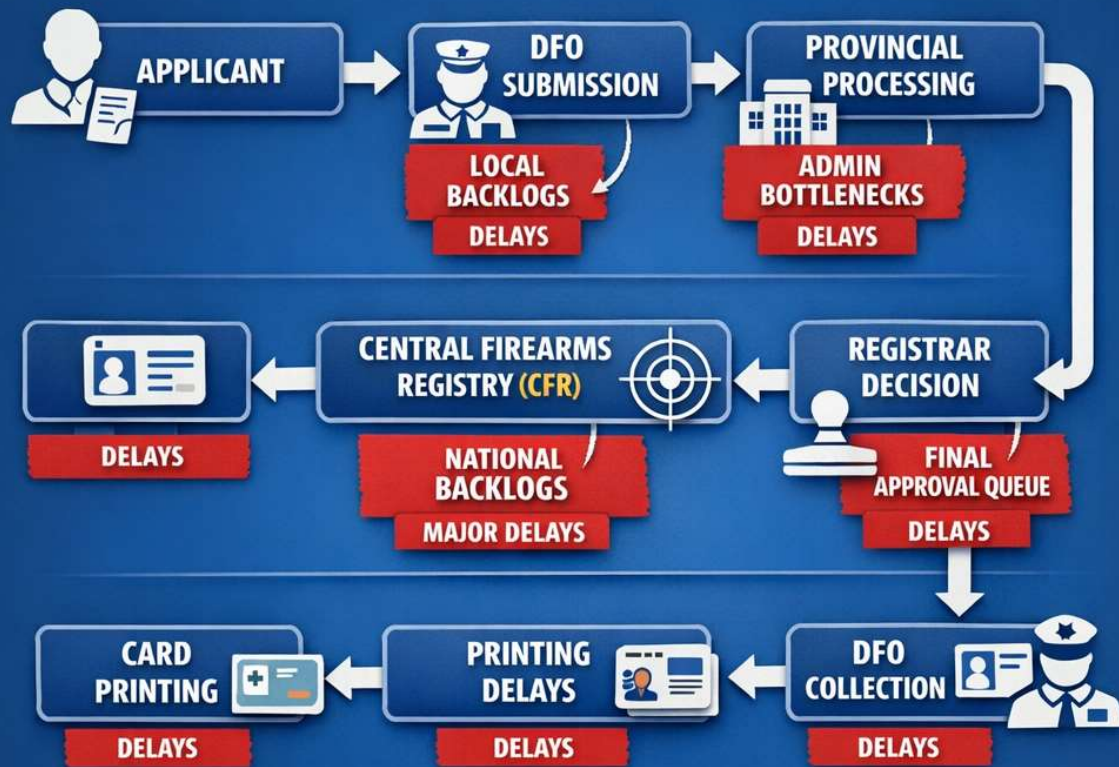
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THE FCA LICENSING MAZE:

— WHERE THE DELAYS HAPPEN —



COMPLEX, MULTI-STAGE SYSTEM = LONG PROCESSING TIMES.

- Local Backlogs and Admin Bottlenecks
- CFR NATIONAL BACKLOGS
- Printing and Delivery Delays



SYSTEM DELAYS CAN LEAD TO MONTHS OF WAITING.