

Firearms Control Act, 2000: Firearms Control Amendment Bill, 2006

OFFENCES, PENALTIES AND ADMINISTRATIVE FINES

Offences

120.

- (3) It is an offence to—
- (a) cause bodily injury to any person or cause damage to property of any person by negligently using a firearm, an antique firearm or an airgun;
 - (b) discharge or otherwise handle a firearm, an antique firearm or an airgun in a manner likely to injure or endanger the safety or property of any person or with reckless disregard for the safety or property of any person; or
 - (c) have control of a loaded firearm, an antique firearm or an airgun in circumstances where it creates a risk to the safety or property of any person and not to take reasonable precautions to avoid the danger.
- (4) It is an offence to handle a firearm, an antique firearm or an airgun while under the influence of a substance which has an intoxicating or a narcotic effect.
- (5) A person is guilty of an offence if he or she gives control of a firearm, an antique firearm or an airgun to a person whom he or she knows, or ought reasonably to have known—
- (a) to be mentally ill; or
 - (b) to be under the influence of a substance which has an intoxicating or a narcotic effect.
- (6) It is an offence to point—
- (a) any firearm, an antique firearm or an airgun, whether or not it is loaded or capable of being discharged, at any other person, without good reason to do so; or
 - (b) anything which is likely to lead a person to believe that it is a firearm, an antique firearm or an airgun at any other person, without good reason to do so.
- (7) It is an offence to discharge a firearm, an antique firearm or an airgun in a built up area or any public place, without good reason to do so.

FIREARMS CONTROL AMENDMENT BILL

Amendment of section 120 of Act 60 of 2000, as amended by section 15 of Act 43 of 2003

34. Section 120 of the principal Act is hereby amended—

- “(3) It is an offence to—
- (a) cause bodily injury to any person or cause damage to property of any person by negligently using a firearm, **[an antique firearm]** a muzzle loading firearm or an airgun;
 - (b) discharge or otherwise handle a firearm, **[an antique firearm]** a muzzle loading firearm or an airgun in a manner likely to injure or endanger the safety or property of any person or with reckless disregard for the safety or property of any person; or
 - (c) have control of a loaded firearm, **[an antique firearm]** a muzzle loading firearm or an airgun in circumstances where it creates a risk to the safety or property of any person and not to take reasonable precautions to avoid the danger.
- (4) It is an offence to handle a firearm, **[an antique firearm]** a muzzle loading firearm or an airgun while under the influence of a substance which has an intoxicating or a narcotic effect.”;
- (c) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words: “A person is guilty of an offence if he or she gives control of a firearm, **[an antique firearm,]** a muzzle loading firearm or an airgun to a person whom he or she knows, or ought reasonably to have known—”;
- (d) by the substitution in subsections (6) and (7) of the following subsections, respectively:
- “(6) It is an offence to point—
- (a) any firearm, **[an antique firearm]** a muzzle loading firearm or an airgun, whether or not it is loaded or capable of being discharged, at any other person, without good reason to do so; or
 - (b) anything which is likely to lead a person to believe that it is a firearm, **[an antique firearm]** a muzzle loading firearm or an airgun at any other person, without good reason to do so.
- (7) It is an offence to discharge a firearm, **[an antique firearm]** a muzzle loading firearm or an airgun in a built-up area or any public place, without good reason to do so.”;