



The Legal aspects of Regulation 21 as it relates to the Guiding Industry

By Bob Nixon

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All Field Guides are now required to hold the three required Proficiency certificates, if you are to be issued a rifle in the course of your guiding, namely:

117705 – Knowledge of the Firearms Control Act

119651 – Handle and Use a Manually Operated Rifle or Carbine

123519 - Handle and Use a Manually Operated Rifle or Carbine for Business Purposes

The last Unit Standard is required by the Act so that a Guide can be issued a manual rifle, licensed to a Lodge, to assist with the business of the Lodge, namely guiding guests. This would also apply if you had your own rifle and used it at the Lodge for guiding.

The Firearms Control Act 60 of 2000 is a mere 89 pages, however the Regulations which are like addenda to the Act, currently consist of 335 pages, and are still growing!

We have recently been approached by a few Field Guides to do the required annual Regulation 21 qualification theory and practical. Because of this request, it was felt that this issue needed to be addressed urgently before all Guides start booking for this annual qualification.

Simply put, Regulation 21 annual qualification is NOT required for Field Guides and relates solely to the Security Industry. So, if you are someone who likes to read the last chapter or page first, you can stop reading now.

For those who would like to understand the background and detail, read on.

Firstly, where you see italicized text, it is the actual text from the Regulations.

The first paragraph of Regulation 21 reads as follows:

Conditions regarding the providing of a firearm for use by another person in respect of a licence to possess a firearm for business purposes

21. (1) The holder of a licence to possess a firearm for business purposes, may only provide the firearm for use by another person if such other person –

If you stop reading the Regulation at this stage it seems clear that this relates to our industry as it specifically mentions Business Purposes, but when we read further and reach Regulation 21 (2), we get to more interesting facts.

(2) If the holder of a licence to possess a firearm for business purposes is a security company, that security company may, in addition to the requirements of section 20(5)(b) of the Act and the conditions in sub regulation (1)(a) and (b), only provide a firearm if -

There you have it, clear and concise. This Regulation ONLY applies to security companies and Field Guides are not members of a security company! In fact, if you are a member of a security company you are required to be registered with the Private Security Industry Regulatory Authority (PSIRA).

OK, you ask, with bated breath, where did Regulation 21 come from and why is there an annual qualification? Reading further in Regulation 21 (2) we reach the following two paragraphs

(a) that person is a security officer employed by it for the rendering of a security service; and for the sake of brevity, we jump to the following point

(k) the possession of the firearm by the security officer is necessary for rendering a security service, taking into account the nature of the security service, the contract between the security business and its client, the circumstances under which the service is rendered, the type of firearm and any other relevant fact;

(l) the security officer has successfully completed the security training required for the rendering of the security service in question;

So plainly Field Guides do not render a security service, and neither have they had to complete a security training course. Reading further we reach the annual qualification, which also has an interesting note.

It starts with the requirements of the security company

(s) the security company issuing firearms to security officers employed by it -

The first few points relate to maintenance of firearms and discipline and then continues

(viii) ensure that the security officers issued with firearms undergo at least one proper practical training session, at the cost of the security company, at least every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, in the proper and safe handling and use of the relevant firearm and ammunition;

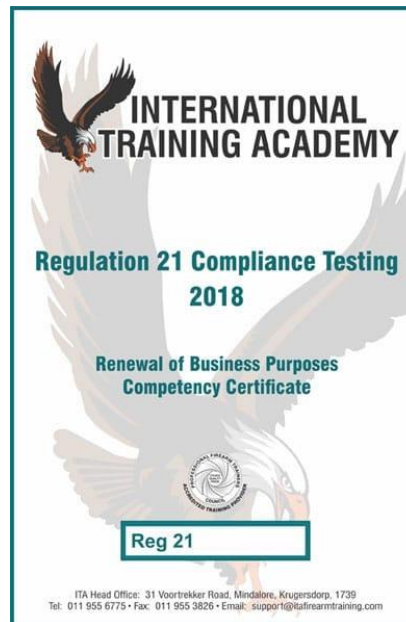
(ix) ensure that the security officers issued with firearms attend at least one briefing session, at the cost of the security company, every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, during which they are properly informed of the relevant legal principles, rules and procedures and of their legal duties regarding the possession, carrying, safe custody and use of firearms and ammunition issued to them;

So even if you did this annual qualification, you, as a Field Guide would not be required to pay for it as the cost should be borne by the security company – who's that!

Now it seems that KNP are requiring this qualification, and someone needs to address this urgently with the powers that be, to put the brakes on this. Unscrupulous training providers will see this as a way of making a lot of money

as this is an annual event and if my costing is correct, could amount to about R500 every year.

The following is an example of the manual required for the Regulation 21 annual theory and practical qualification.



Although the manual contains sections for handgun, shotgun, manual rifle and self-loading rifle, only the discipline that is required needs to be completed.

I trust that this clarifies this issue, but if you require further information, please contact the author via the website.