



# Newsletter

Prior & Prior Attorneys

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## **RENEWAL OF FIREARM LICENCES ITO THE FIREARMS CONTROL ACT, 2000**

All firearm licence holders, who obtained their firearm licences under the previous Act, have to renew their firearm licences.

This is done according to the following timetable:

Persons who have their birthday during January, February or March had to renew their licences before 31 March 2006.

Persons who have their birthday during April, May or June must renew their licences before 31 March 2007.

Persons who have their birthday during July, August or September must renew their licences 31 March 2008.

Persons who have their birthday during October, November or December must renew their licences before 31 March 2009.

Legal entities such as companies and close corporations have to apply during 2006.

In order to apply for a renewal it is necessary to be in possession of a competency certificate issued by the SAPS. The following factors are taken into consideration when issuing the licence:

- If the applicant is a fit & proper person.
- Any criminal record, in particular involving violence, sexual abuse or the use of drugs or alcohol.
- Any history of mental or emotional instability.

It is not necessary for a renewal to go for training or a practical test regarding the safe and efficient handling of a firearm. It is however necessary to pass a test on knowledge of the contents of the Firearms Control Act, 2000. The test is taken down by an accredited training provider.

Generally up to four licences are allowed for self defence or sport shooting, these may include hand guns, shot guns and rifles.

A person does not have a right to four licences and each application is determined on its own merits and must therefore be properly substantiated.

The lawful holder of a firearm license may only allow another to use that firearm within his immediate supervision, and where it is safe and for a lawful purpose.

Copies of the Act, Regulations and Forms can be downloaded from the South African Police website at [www.saps.gov.za](http://www.saps.gov.za).

## **AUTHORITY OF A TRUSTEE TO ENTER INTO AN AGREEMENT OF SALE OF LAND**

A trustee who signs a sale agreement of land must have the prior written authority from the other trustees, failing which the sale agreement may be null and void.

In terms of section 2(1) of the Alienation of Land Act, 1981 no alienation of land shall be valid 'unless it is contained in a deed of alienation signed by the parties thereto or by their agents acting on their written authority'.

According to the supreme court of appeal in *Thorpe v Trittenwein* [2006] SCA 30 (RSA) a trust does not have a separate legal *persona*. As the assets and liabilities vests in the trustees who administer them, they do not act as agents of the trust.

Unless the trust deed provides otherwise, the trustees must act jointly, in which case the sale agreement of land must be either signed by all the trustees or by a trustee on the written authority of the other trustees.

The same does not apply to partnerships or close corporations.

As any partner can legally bind the partnership, a partner may enter into a sale agreement of land without the written authority of the other partners.

In *J & K Timbers (Pty) Ltd t/a Tegs Timbers v GL & S Furniture Enterprises CC* 2005 (3) SA 223 (N) the court held that a member of a close corporation acts as agent of the corporation for all purposes, including entering into valid agreements. A member is an agent even if he does not have any authority. The close corporation will be bound unless the third party was aware that the member did not have authority to enter into the agreement.