



SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

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DIVISION: VISIBLE POLICING

HEAD OFFICE

PRETORIA

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2009-06-27

- A. **ALL PROVINCIAL COMMISSIONERS**
- B. **ALL DIVISIONAL COMMISSIONERS**
- C. **All Heads**
HEAD OFFICE
- D. **All Commanders**
SAPS COLLEGES AND TRAINING CENTRES
- E. **All Section Heads**
HEAD OFFICE
- F. **ALL DEPUTY NATIONAL COMMISSIONERS**
- G. **The Chief of Staff**
MINISTRY OF POLICE
- H. **The Secretary**

RENEWAL OF FIREARM LICENCES, PERMITS AND AUTHORISATIONS: TRANSITIONAL PROVISIONS: FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000)

- A. 1. This office's evenly numbered letter, dated 2009-06-03, bears reference on this matter.
2. On Friday 2009-06-26, the North Gauteng High Court, Pretoria, issued an interim order pending the finalization of the main application in that all firearm licences contemplated in sub-item 1 of Schedule 1 of the Firearms Control Act, 2000 (Act No 60 of 2000) (hereinafter "the Act"), will be deemed to be lawful and valid, pending final adjudication of the main application.
3. This effectively means that where a person is in possession of a firearm and relevant licence, permit or authorization, issued in terms of the Arms and Ammunition Act, 1969 (Act No 75 of 1969) (hereinafter the "previous Act"), as amended, such a person will remain legally in possession of such firearm and may not be prosecuted in terms of section 3 of the Act. In terms of section 3 of the Act no person may possess a firearm unless he or she holds a license, permit or authorization issued in terms of the Firearms Control Act, 2000 (Act No 60 of 2000), for that firearm.
4. The main effect of the order is that persons (natural / juristic persons) who have not yet re-licenced their firearms as provided for in the transitional provisions of the Act, or have not yet disposed of the firearms as required by the Act, may lawfully remain in possession of those firearms after 30 June 2009, at least until the main application has been decided.
5. In the case where firearm owners have already opted to dispose of their firearms through deactivation, permanent exportation, voluntarily surrendered to the South African Police Service for destruction, or by selling/donating the firearm to another person/legal entity, such administrative processes related thereto must continue.
6. All firearms that have been voluntarily surrendered to the South African Police Service, for the purpose of destruction, may not be destroyed until further directives in this regard has been disseminated from this office. These firearms may not be handed back to the original firearm owner.
7. Any person who opted to sell/donate their firearms to other persons/legal entity, and who in the meantime have surrendered such firearms for safe keeping to the South African Police Service, may retrieve (if so desired), their respective firearms and firearm licences from the police stations where they were handed in.
8. In the case where a legal owner (seller/donor) has applied for a temporary authorization to possess a firearm in terms of section 21 (transitional

period) of the Act, the respective Designated Firearms Officer must continue with the administrative process and issue the temporary authorizations. The firearm together with the firearm license, permit, authorization and/or the temporary authorization must be handed to such legal owner.

9. All storage permits issued for firearms in terms of the previous Act will remain valid until the expiry date of such permit. Further storage permits (SAPS 539) may be issued in terms of Regulation 86(4) of the Firearms Control Regulations, 2004, for a further period if required.
10. All firearms which are currently in safe storage with licenced firearm dealers and gunsmiths, will remain valid and need not be handed to the South African Police Service for destruction.
11. In the case where a person applied for the renewal of his/her firearm licence and such renewal application has been refused and/or the appeal has not been successful, such person may legally continue to possess such firearms in terms of the previous Act, until further notice from this office.
12. All current administrative processes applicable to the provisions of the Act, must still continue within the ambit of the existing processes and procedures.
13. This directive must be immediately disseminated to all members of the South African Police Service for the necessary compliance.
14. Your co-operation and commitment to effectively implement the provisions of the Firearms Control legislation is highly appreciated.

B-H 1. For your information

Signed

**DIVISIONAL COMMISSIONER: VISIBLE POLICING
AH LAMOER**